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Assembly Proceedings

Official Report

Bengal Legislative Assembly

Eighth Session, 1940

The 29th and 30th August, 3rd, 4th, 5th, 6th, 9th and 10th September, 1940

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Bengal Government Press, Alipore, Bengal
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GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

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SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Volume LVII—No. 6.

(Official Report of the Eighth Session.)

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 29th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 7 Hon'ble Ministers and 203 members.

STARRED QUESTIONS

(to which oral answers were given)

Licensees for selling firearms in Rajshahi district.

*214. **Mr. SURENDRA MOHAN MAITRA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the present number of—

(1) Hindu, and

(2) Muslim

licensees for selling firearms, etc., in Rajshahi district;

(*b*) how many of them were asked to take special protective measures in respect of their stock;

(*c*) how many of the licences were cancelled;

(*d*) the names of the persons whose licences were cancelled;

(*e*) the reason for such cancellation; and

(*f*) whether they were informed of the reason?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Home Department, the Hon'ble Khwaja Sir Nazimuddin): (*a*) (1) Hindus 4 and (2) Muslims nil.

(*b*) All of them were asked to take protective measures.

(*c*) One licence was cancelled.

(*d*) Babu Jamini Kanta Bhaduri.

(*e*) In the interests of public safety. It would not be in the public interest to disclose the nature of the reasons more fully.

(*f*) No.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*a*)(*2*), will the Hon'ble Minister be pleased to state whether there was any application from any Muslim at all?

Mr. SPEAKER: I am sorry that question does not arise.

Mr. SURENDRA NATH BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the action against the licensee was taken according to Police report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I cannot disclose the ground on which the licence was cancelled.

Mr. SURENDRA NATH BISWAS: I am not asking for the reasons. I am only asking whether action was taken on Police report or whether any legal proceedings were taken against him?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No legal proceedings were taken, but it was done on sufficient information.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the licensee was a Mussalman?

Mr. SPEAKER: That question does not arise.

Cancellation of licences for firearms in Rajshahi district.

***215. Mr. SURENDRA MOHAN MAITRA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) in how many cases old licences for firearms were cancelled by the District Magistrate, Rajshahi, between 1st July, 1939, and 30th June, 1940;

(*b*) how many new licences were refused during the said period;

(*c*) the number of new licences granted during the said period; and

(*d*) the number of—

(1) Hindus, and

(2) Muslims

affected in cases referred to in clauses (*a*) to (*c*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) 105 licences were cancelled.

(*b*) 98.

(*c*) 64.

(*d*) Hindus 45 and Muslims 60—affected in cases referred to in clause (*a*).

Hindus 35 and Muslims 63—affected in cases referred to in clause (*b*).

Hindus 25 and Muslims 39—affected in cases referred to in clause (*c*).

Appointments under the Administrator-General and Official Trustee of Bengal.

*216. **Mr. SHAHEDALI:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) whether he is aware of the recent advertisement made by the Administrator-General and Official Trustee of Bengal for seven clerical appointments in his office;

(*ii*) the number of applicants for the posts;

(*iii*) the number of applicants from the districts of Bengal excepting Calcutta; and

(*iv*) whether any standard qualification, namely, technical, vocational, commercial and additional qualification or experience were demanded of the candidates or mentioned in the advertisement?

(*b*) If the answer to (*a*) (*iv*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) why no mention of the required qualification was made in the advertisement;

(*ii*) whether all the candidates were called for interview, batch by batch; and

(*iii*) whether any preliminary selection was made according to the requirements and nature of works?

(*c*) If the answer to (*b*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state the reason of not doing so as is generally done in all cases of appointments under the Government?

(*d*) Will the Hon'ble Minister be pleased to state whether this sort of indiscriminate call caused inconvenience and pecuniary loss to the intending candidates coming from outside Calcutta?

(*e*) Will the Hon'ble Minister be pleased to state what action he proposes to take for stopping such indiscriminate call in future?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*)(*i*) Yes.

(*ii*) 1,158.

(*iii*) 311.

(*iv*) The minimum qualification required was that each candidate should be a Matriculate. No special qualifications as enumerated in the question were mentioned in the advertisement.

(*b*) (*i*) *Vide* reply to clause (*a*) (*iv*).

(*ii*) Yes.

(*iii*) No.

(*c*) No preliminary selection was made as it was considered fair and reasonable to give every candidate an opportunity and to enable the appointing authority to satisfy himself by personal interview as to his fitness and eligibility or otherwise for the appointments in question.

(*d*) The circular letter issued to each candidate for an interview clearly stated that no travelling expenses would be paid.

(*e*) No.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (*c*) whether there is any rule for making a preliminary selection specially in a case where the number of vacancies is few and the number of applications is very large?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not know. I am not aware of any such rule.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state the number of vacancies and the number of persons called for interview?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The number of vacancies was 7 and the number of persons who sent their applications was 1,158.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state the number of persons who were called for interview?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Whoever wanted to come came.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether it is a fact that not a single man coming from the mufassil was taken in?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of issuing instructions that in cases where the number of vacancies is small and the number of applicants is disproportionately large, a preliminary selection should be made before the candidates are called for interview?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The matter will receive my very serious attention.

Native province of Siliguri Police officers and constables.

*217. **Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that most of the Police officers and constables employed at present in the Siliguri subdivision are Beharis?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): Yes.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the reason for appointing Bihari constables in the Siliguri subdivision?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The subdivision of Siliguri borders on Nepal territory and Purnea district of Bihar and there is a very large number of Bihari population in that subdivision. The majority of the tea garden coolies are also Hindi speaking. So, the Police Officers must be Hindi speaking too. Otherwise, they find themselves in very great difficulties.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to tell us whether it is a fact that in Bengal, particularly in districts where only Bengali language is spoken, Bihari constables are appointed?

Mr. SPEAKER: That is problematical.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of appointing Bengalis in place of Biharis when vacancies occur?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is the general policy of Government——

Mr. SPEAKER: Here the question concerns the Siliguri subdivision. Appointments are made on a divisional or district basis and not on a subdivisional basis.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government are considering the desirability of appointing Bengali constables in place of Biharis when vacancies occur.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In view of the special circumstances prevailing in this subdivision, Government do not find it possible to appoint Bengalis only.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the source of his information that the tea-garden coolies are largely Biharis?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the information I have got is from a very authoritative source and I don't think that anybody can challenge that.

Mr. ATUL CHANDRA SEN: Does the Bihari population of Siliguri exceed the Bengali population?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir, it does not.

New cinema houses at Feni, Chowmohani and Noakhali.

*218. **Maulvi ABDUL WAHAB KHAN:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that a permanent cinema house is going to be opened at Feni;

(*ii*) that temporary cinema houses are to be opened at Chowmohani and Noakhali;

(*iii*) that the Collector of the district has agreed to grant the permission;

(*iv*) that the people of the localities including Muslim M.L.As., the local Muslim Association and Maulvis' Association have objected to the grant of such permission;

(*v*) that 85 per cent. of the people of the district are Muslims;

(*vi*) that the proposal to open the cinema house has created a feeling in the minds of the Muslim public of the district;

(*vii*) that several meetings have been held and resolutions passed against the opening of the cinema houses; and

(*viii*) that recently the grant of permission to run a temporary cinema at Feni resulted in an increase in the number of thefts and pickpocketing?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking immediate steps for the refusal or cancellation of the licence to the cinema parties?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) Applications have been received and are under consideration.

(*iii*) No.

(*iv*) A representation has been received from one association and will be given consideration.

(*v*) Yes.

(*vi*) The public generally does not appear to be much interested, although certain individuals are taking a great interest in the matter.

(*vii*) Only one such meeting has been reported.

(*viii*) It is reported that no such effect resulted from the opening of the cinema.

(*b*) Government do not consider it necessary to interfere with the discretion of the local officer.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*i*) and (*ii*), is the Hon'ble Minister aware that the promoters of cinema companies are Hindus and Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*vi*), is the Hon'ble Minister aware that cinema houses are generally popular among the urban Muslim population?

Mr. SPEAKER: That is a matter of opinion.

Dispersal of an illegal procession of students.

***219. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the Joint Secretary of the All-Bengal Muslim Students' League and some others were the victims of *lathi* charges by the Police while returning from the meeting held at the Town Hall, Calcutta, on the 3rd July, 1940?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action has been taken against the Police for the *lathi* charges?

(*d*) If no action has been taken, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

(*e*) Will the Hon'ble Minister be pleased to state whether he has taken any notice of the resolution passed at the public meeting held on the 9th July, 1940, at the Albert Hall in protest of the *lathi* charges of the Police?

(*f*) If so, what action, if any, has been taken in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) No. Some students who formed an illegal procession were dispersed, but without any *lathi* charge.

(*b*) to (*f*) Do not arise as no *lathi* charge was made.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the method adopted by the police in dispersing the so-called illegal procession?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They were simply pushed forward.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state how the police pushed forward the so-called illegal procession—by *lathis* or by hand?

Dr. NALINAKSHA SANYAL: It was lateral force, Sir. (Laughter.)

Grant and cancellation of gun and revolver licences.

*220. **Mr. SURENDRA MOHAN MAITRA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there are any rules or circulars regarding the grant and cancellation of gun and revolver licences?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the political views of the intending licence-holder or licence-holders are considered at the time of granting or cancellation of a licence?

(*c*) Is it a fact that the District Magistrate, Rajshahi, issued an order to the effect that no new licences for firearms should be recommended to a person paying less than Rs.10 annually as union tax.

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Political views, unless accompanied by revolutionary or subversive activities, are not taken into consideration.

(*c*) Since the outbreak of war certain confidential instructions have been issued which it is not in the public interest to disclose.

Mr. MONOMOHAN DAS: Will the Hon'ble Minister be pleased to explain what he means by "revolutionary or subversive activities"?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that even after that circular lots of licences have been granted to persons of Calcutta and mufassal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I could not follow what is the point in the question.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that some members of this House, though they applied for licences, have been refused by the Commissioner of Police?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is quite possible.

Mr. ABDUL WAHAB KHAN: Sir, some questions were held up since 27th August?

Mr. SPEAKER: You mean those of Sir Bijoy?

Mr. ABDUL WAHAB KHAN: Yes, Sir.

Mr. SPEAKER: All right, they can be taken up to-day.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Unpaid apprentices in office of the Administrator-General and Official Trustee of Bengal.

109. Dr. GOBINDA CHANDRA BHOWMIK: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether there are unpaid apprentices in the office of the Administrator-General and Official Trustee of Bengal?

(*b*) If so, how many of such apprentices are there at present?

(*c*) Is it a fact that eight posts of leave reservists have been sanctioned with effect from the 1st July, 1940?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the unpaid apprentices have been appointed to those eight posts of the leave reservists?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) None at present.

(*b*) Does not arise.

(*c*) and (*d*) Yes.

Holding of Civil Courts in the morning in Dinajpur.

110. Maulvi ABDUL JABBAR: (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that this year for the first time (in April and May last), the Civil Courts of Dinajpur were held in the morning;

(*ii*) that the morning sitting of the Courts caused inconvenience to the *mufassal* litigants;

(*iii*) that for want of suitable train communications the litigants had to wait two days in place of one day at Dinajpur for attending the Courts; and

(*iv*) that majority of the litigants are from the *mufassal*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take for the discontinuance of the Courts being held in the morninng at Dinajpur?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Yes.

(*ii*) No such complaint has been received.

(*iii*) The majority of litigants travel by bullock carts and not by train; so they have no inconvenience.

(*iv*) Yes.

(*b*) Does not arise.

Free studentships in the Jagannath Intermediate College, Dacca.

111. Mr. DHANANJOY ROY: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing since 1932—

(*a*) the number of Scheduled Caste students reading in the Jagannath Intermediate College of Dacca;

(*b*) the number of them that were granted free-studentships;

(*c*) the number of applications received from Scheduled Caste students for free-studentships; and

(*d*) the number of free-studentships granted to the students belonging to the—

(1) Caste Hindus and

(2) Muslims

during the said period?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): I have been informed that prior to 1938 there was no record of Scheduled Caste students.

A statement, showing the concessions granted by the College to the students of various communities together with their respective roll strength from 1932 to 1937, is laid on the table.

		In 1938.	In 1939.
(*a*)	... .	12	12
(*b*)	... .	3	4
(*c*)	... ..	3	4

In 1939.

(*d*) (1) Caste Hindus—

1932	...	...	... 11
1933	...	...	... 6
1934	...	...	... 9
1935	...	...	... 10
1936	...	...	... 13
1937	...	...	... 11
1938	...	...	... 18
1939	...	...	... 13

(2) Muslims—

1932	...	...	... 1
1933	...	...	... 2
1934	...	...	... 6
1935	...	...	... 4
1936	...	...	... 5
1937	...	...	... 6
1938	...	...	... 9
1939	...	...	... 10

Statement referred to in the reply to unstarred question No. 111, showing the concessions granted by the Jagannath Intermediate College, Dacca, to students of various communities together with their respective roll strength from 1932 to 1937.

	Total roll strength.			Number of college concessions.		
	Hindu.	Muslim.	Backward.	Hindu.	Muslim.	Backward.
First year class.						
932 ..	224	21	9	11	1	1
933 ..	236	32	15	6	2	2
934 ..	216	46	12	9	6	1
935 ..	266	57	26	10	4	3
936 ..	300	84	39	13	5	3
937 ..	393	111	48	11	6	2

Realisation of house rent by the Bailiff in Calcutta.

112. Maulvi AZHAR ALI: (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(*i*) that pursuant to the provision of Chapter VIII of the Presidency Small Causes Courts Act of 1882, the movable properties seized by the Bailiff is generally appraised of and sold, if no order to the contrary can be obtained by judgment-debtor from the court;

(*ii*) that such distress warrants for arrears of house rents cause inconvenience to the businessmen in the city of Calcutta; and

(*iii*) that Presidency Small Cause Courts hardly grant any instalments in favour of those businessmen who are in arrear?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of legislation in the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Yes.

(*ii*) No. The legal consequence of the statutory procedure has to be faced by all whether businessmen or not as may be affected under section 65 of the Presidency Small Causes Courts Act, 1882 (Act XV of 1882).

(*iii*) Instalments are not granted in distress warrant cases. In suits for rent, orders for instalments are passed in suitable cases.

(*b*) No.

STARRED QUESTION

(to which oral answer was given)

Communal ratio of pleaders employed to conduct cases of Wards Estates, Bakarganj.

***208. Maulvi SADARUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) how many pleaders are there at present in the Court of Wards and other Ward Estates managed by special arrangement in the district of Bakarganj;

(*ii*) how many of them are Muslims;

(*iii*) what amount has been spent as legal fees by the above mentioned estates during the last 3 years; and

(*iv*) what out of the total amount has been paid to the Muslim pleaders?

(*b*) Is the Hon'ble Minister considering the desirability of issuing instructions to the local officers for distributing the cases equally amongst the Hindu and Muslim pleaders?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) 55.

(*ii*) 4.

		Rs.
(*iii*)	1344 B.S.	... 2,050
	1345 B.S.	.. 2,500
	1346 B.S.	... 3,275
(*iv*)	1344 B.S.	... 108
	1345 B.S.	... Nil
	1346 B.S.	... 12

(*b*) It is not possible to observe communal ratio in such matters. But the Board of Revenue has been requested to see if more cases could be given to suitable Muslim pleaders without sacrificing the interests of the estates in any way.

Sir, I may supplement my reply by stating that I am grateful to the honourable member for having drawn my attention to this fact, and since receiving notice of this question I have discussed the matter with the Hon'ble Member, Board of Revenue, and I have issued definite instructions that the percentage of Muslim pleaders under the Court of Wards should be increased at once.

Mr. ABDUL WAHAB KHAN: Thank you. Will the Hon'ble Minister be pleased to state why out of Rs. 2,050 only Rs. 108, out of Rs. 2,500 not a farthing, and out of Rs. 3,275 only Rs. 12 were paid to Muslim pleaders?

Mr. SPEAKER: You may ask him whether it would necessarily go to one community or not. The Hon'ble Minister has said that there was no clear-cut rule in the matter but that he has now issued instructions. Therefore your question does not arise here.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), where it is said that suitable Muslim pleaders will be appointed without sacrificing the interests of the estates, will the Hon'ble Minister be pleased to state whether this is the plea for shutting out Muslim pleaders?

Mr. SPEAKER: That is a matter of argument.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether at the time of inclusion of the names of Muslim pleaders in the panel, suitability as well as the consideration whether the interests of the estates would be in jeopardy or not were taken into consideration in preparing the list?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope, Sir, that my honourable friend will accept the answer in the spirit in which I am giving it. I quite realise that more Muhammadan pleaders should have been appointed under the Court of Wards and that it was not fair to the Muhammadan community that only paltry sums and in some cases no amount at all should have been paid to Muhammadan pleaders, but at the same time we have got to look first to the interests of the estates. Since receiving notice of this question, however, I have discussed the whole matter with the Hon'ble Member, Board of Revenue, and I have given him definite instructions that the percentage of suitable Muhammadan pleaders who would be in a position to look to the interests of the estates should be increased at once.

Mr. ABDUL WAHAB KHAN: As regards suitability, is the Hon'ble Minister aware that filing of *tamadi* suits does not require any very competent pleader?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not believe in appointing incompetent pleaders.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the pleaders who were already on the panel are competent to file *tamadi* suits?

Mr. SPEAKER: That question does not arise.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Communal ratio of pleaders employed to conduct cases of Wards Estates, Chittagong.

106. Khan Bahadur FAZLUL QUADIR: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) who are the present Managers of the Wards Estates, Chittagong, and how long they have been so;

(*ii*) how many pleaders are enlisted to conduct cases on behalf of the Wards Estates in the district of Chittagong including *mufassal* Courts;

(*iii*) how many of them are—

(1) Muslims, and

(2) Hindus

in each subdivision headquarters and *chowkies* (to be stated separately);

(*iv*) what amount has been paid as legal fees during the last 3 years to the pleaders; and

(*v*) how much out of the total amount has been paid to the Muslim pleaders?

(*b*) If the amount paid to the Muslim pleaders is disproportionate, will the Hon'ble Minister be pleased to state the reasons thereof?

(*c*) Is the Hon'ble Minister considering the desirability of issuing instructions to the local officers for distributing the cases equally amongst the Muslim and Hindu pleaders?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Babu Kiron Chandra Chakravarty, General Manager, North Group of Wards Estates, Chittagong, from 19th November, 1938, and Babu Dhirendra Chandra Sen, M.A., B.L., General Manager, South Group of Wards Estates, Chittagong, from 24th August, 1939.

(*ii*) Nineteen.

	Hindus.	Muslims.
(*iii*) Sadar Courts ...	8	2
Patiya Chowki ...	3	...
Satkania Chowki ...	2	...
Fatikcheri Chowki ...	1	...
North Rauzan Chowki ...	1	...
Cox's Bazar Chowki ...	1	...
South Rauzan Chowki ...	1	...
Total ...	17	2

(*iv*) Rs.10,621-5-6.

(*v*) Rs.52.

(*b*) and (*c*) It is not possible to observe a communal ratio in such matters. But the Board of Revenue has been requested to see if more cases could be given to suitable Muslim pleaders without sacrificing the interests of the Estates in any way.

Cost of last Survey and Settlement operation in Rangpur district.

107. Kazi EMDADUL HAQUE: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what was the amount incurred as cost of the last Survey and Settlement operation in Rangpur district?

(*b*) Is it a fact that a number of landlords have been given the privilege of paying their share of the cost by instalments?

(*c*) If so, will the Hon'ble Minister be pleased to state the total amount which will have to be realised by such instalments?

(*d*) Will the Hon'ble Minister be pleased to state how much money has been recovered up till now (1) from the said landlords and (2) from other persons?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Rs.38,49,076 (excluding interest charges).

(*b*) Yes.

(*c*) Rs.8,64,354.

(*d*) (1) Rs.6,87,461 and (2) Rs.27,04,754.

Kazi EMDADUL HAQUE: With reference to answer (*b*), will the Hon'ble Minister be pleased to explain whether the entire body of landlords have been given the privilege of paying their costs by instalment or only a few of them have been given such privilege?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is only in particular cases where the landlords find it difficult to make payment in view of the large amounts payable by them that this privilege is extended. There is no question of the entire body of landlords being given the privilege.

Kazi EMDADUL HAQUE: May I take it that some of the landlords have not been given the privilege of paying their dues by instalment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It depends on the facts of each case.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether all the landlords have been given the privilege or only some of them?

Mr. SPEAKER: Only in individual cases where hardship is felt.

Kazi EMDADUL HAQUE: There were some cases in which this privilege was not given.

Mr. SPEAKER: That cannot be answered off-hand.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to explain what is the amount of cost recoverable from the entire body of landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The figure is mentioned in the answer.

Kazi EMDADUL HAQUE: The figure does not indicate the entire amount recoverable from the landlords.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As regards the total amount realisable from the landlords, I ask for notice.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state whether Government considers the desirability of realising the dues from the landlords first and then the dues of the cultivators?

Mr. SPEAKER: That question does not arise here. That is a different question.

Mr. SURENDRA NATH BISWAS: Sir, there was another question relating to Sir Nazimuddin's department which was held up.

Mr. SPEAKER: That will be taken up later, when Sir Nazimuddin will be able to attend.

Adjournment motion.

Dr. SURESH CHANDRA BANERJI: Sir, we have got two adjournment motions. Will you please allow me to move mine?

Mr. SPEAKER: I have carefully gone through both the motions. I remember to have given rulings several times that an adjournment motion must necessarily arise on a definite matter of urgent public importance and must be of a specific nature. Now, if you look up the rulings not only of this House but also of the Central Legislature, you will find that an adjournment motion like yours is not in order. The language you have used—the situation created by the arrest of labourers—is indefinite because what the situation is you do not express. It is not a specific matter, I mean, it might be interpreted in any way you like.

Now, from your statement, I find that your real intention is to discuss the question of Government interference in the matter of the strike. Here again, it is clear from your statement that this matter did not go to the Calcutta Corporation before the strike was arranged. Therefore, the entire remedy which is possible under the law passed by this House, has not yet been exhausted.

Dr. SURESH CHANDRA BANERJEE: Sir, may I state my position? The position is this that about 20,000 scavengers——

Mr. SPEAKER: That does not matter.

Dr. SURESH CHANDRA BANERJEE: Sir, let me finish what I have got to say. About 20,000 scavengers went on strike and as far as I know, the grievances of the labourers were genuine and to remove those grievances, they went on strike. The strike was not in any way unlawful. After the people went on strike, Government intervened and arrested three most important leaders who were leading the strike and thereby made it impossible for the labourers who were fighting for removing their genuine grievances to have that fight fought to the end. So, my reason is this that although no doubt it was a matter between the Corporation and the labourers and Government had nothing to do with the matter, still Government interfered, and, I think, unjustly and almost unlawfully and thereby did a disservice to the labourers.

Mr. SPEAKER: Under what provision of the law, were they arrested?

Dr. SURESH CHANDRA BANERJEE: They have no doubt been arrested under the Defence of India Rules. But it is a well known fact these three persons—Mr. Bankim Mukherji, Mr. Sibnath Banerjee and Mrs. Sakina Begum—were intimately connected with the strike. Mrs. Sakina Begum is the Chairman of the Scavengers' Union and Mr. Bankim Mukherji and Mr. Sibnath Banerjee are intimately connected with this movement. So, although these arrests were made under the Defence of India Rules, they were practically arrested because there was a strike and they were advising the labourers how to conduct that strike. So, by arresting them, Government really interfered with the legitimate strike of the Scavengers' Union.

Mr. SYED JALALUDDIN HASHEMY: Sir, may I submit a few words on this matter? In cases like this where public health is in danger and public security is at stake, the Speaker of any Parliament can take cognisance of this and allow a debate in the House. Sir, if you allow this motion, I can prove to your satisfaction as well as to the satisfaction of the members that the Calcutta Corporation failed to

discharge its obligations and that Government also failed to discharge its duties and obligations. The question is very clear. The public health is in danger and public security is at stake. So, Sir, this is a matter which should be discussed in the House. I have mentioned in my statement that Government having continuing responsibility in this matter——

Mr. SPEAKER: What do you mean by "continuing responsibility"?

Mr. SYED JALALUDDIN HASHEMY: Because if a local body fails to discharge its duties, it is obligatory on the part of Government to supersede that institution and to discharge the duties imposed upon that public body. Sir, particularly when public health is in danger, Government has a clear duty to discharge, and, Sir, you know, as well as we do, that Government has failed to discharge its duties. Only several arrests have been made, but that is no remedy. You know, Sir, that unfiltered water is not available and flushes are not working and we are afraid that we may not get filtered water even very soon.

Dr. NALINAKSHA SANYAL: Sir, may I put in a word or two in this connection? It is undoubtedly admitted by you and the members of the House that a serious situation, if not actually created now, is apprehended as a result of the scavengers' strike and also as a result of the arrests made in connection with that strike. The most important argument in favour of the adjournment motion to-day appears to be the fact that we have practically no business before us. (Laughter)——

Mr. SPEAKER: That is absolutely beside the point.

Dr. NALINAKSHA SANYAL:.....That being so, we might profitably use a portion of the day in discussing how best we can put our heads together by way of an adjournment motion to solve the serious problem and ask the Government or direct the Government to take certain steps which under the law at the present moment they are competent to take. Although Mr. Hashemy has pointed out, at the present moment there is no question of supersession, but the Calcutta Municipal Act of 1923 does provide for intervention by Government in two ways—by seeking information and also by directing certain measures. There is also a third way, namely, if the Chief Executive Officer seeks police help, Government is bound to supply such police help. In these three connections, we might criticise Government action and also in connection with the arrests which jeopardise the legitimate activities of the strikers. May we, threfore, submit that you may be pleased to allow one of the motions to be so re-drafted as to make it possible for you to accept——

Mr. SPEAKER: I may say at once that Mr. Hashemy's motion is wholly out of order. But I can say this much that interested as we are in the health of the place where the Legislature is sitting, I can give you this assurance that in case I find that the situation is becoming such as to require a discussion in the House, I shall certainly re-open the matter at a suitable opportunity. If such a situation does arise and if any other motion is tabled at that stage, I will not rule it out on the ground that the first opportunity has not been taken. I myself feel that probably it will be useful if instead of an adjournment motion the House may discuss this matter without entering into the question of arrests. After all, where the health and amenities of civic life are concerned, we have got no difference of caste, colour, creed or of party.

So far as the motion of Dr. Banerjee is concerned, I am very sorry to hear of the arrests of two members of the House. But here again, as I have explained, the motion is not in order. If the motion had been tabled on the ground of arrests and not on the ground of the situation created by the arrests, probably the position would have been slightly different. In any case, for the time being, I hold that the motion is not in order. But all these questions may be discussed later on at a suitable opportunity.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1939.

The Secretary then read out the following message received from the Bengal Legislative Council:-

"The Bengal Legislative Council at its meeting held on the 23rd August, 1940, agreed to the amendments made by the Assembly in the Bengal Patni Taluks Regulation (Amendment) Bill, 1939."

GOVERNMENT BILL.

The Bengal Touts Bill, 1937.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move under the proviso to Rule 19(2) of the Bengal Legislative Assembly Procedure Rules that the Bengal Touts Bill, 1937, be continued.

The motion was put and agreed to.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move that the Bengal Touts Bill, 1937, be referred to a Select Committee consisting of—

(1) Maulvi Abdul Jabbar,

(2) Mr. Abul Hussain Ahmed,

(3) Moulana Md. Abdul Aziz,

(4) Mr. A. M. Abdul Hamid,
(5) Mr. Abdul Kader,
(6) Mr. Patiram Roy,
(7) Mr. J. W. Chippendale,
(8) Mr. H. Brabant Smith,
(9) Mr. Asimuddin Ahmed,
(10) Mr. Monmohan Das, and
(11) the mover,

with instructions to submit their report by the 20th December, 1940, the number of members forming the quorum being five.

This matter was before the House sometime ago when it was decided that the Bill should be circulated for the purpose of eliciting opinion thereon. On that occasion I placed before the House the objects and reasons for the introduction of this Bill and I do not propose to repeat them now. The opinions that I have received from the High Court, the Civil Courts, the Judges and Commissioners of Divisions and several public bodies are unanimous that the existing evil should be suppressed. The way in which it should be suppressed is to be found in the body of the Bill. I do not want to repeat what the Bill actually contains; it is now a public property. This Bill is a non-controversial one and does not require really speaking much persuasion or any persuasive speech from me for the House to accept it. I hope there will be no opposition. I do not know why two of my friends have refused to work in the Select Committee. If my friends claim that they are here to look after the interest of the people I see no reason why they should not work in the Select Committee in order to make the Bill an acceptable one to all sections of the people. However as members of a great party have decided to work in a certain way I do not think that my persuasive tongue will be of any value now to make them change their mind, but I would only appeal to them to consider if it is proper for them to refuse to work on the Select Committee so long as they continue to be members of this House. If the Bill were a controversial one like the one of yesterday it would have been a different matter but this is a matter where we can all unite. If my friends would say that this Bill should be withdrawn I do not believe that the Coalition Party would care to continue it. That being the position I see no reason why the members of the Opposition should not serve on the Select Committee.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, we are not all convinced of the necessity of such a Bill. I do not know if the Hon'ble Minister is aware that most of the touts are now working in the Debt Settlement Boards and unless they are brought within the purview of this Bill it will be incomplete. The touts there are really

creating havoc. There they not only act as touts but they act as lawyers and the law is such that lawyers are not allowed to appear before the Boards. The touts there have got licences. These licences have been given by the Hon'ble Minister in charge of Rural Indebtedness Department. So there is no reason why the Touts Bill should be introduced in this House. I oppose the introduction of the Bill not because there is no necessity for such a Bill like this but the Government have granted licenses to the touts.

The motion was then put and agreed to.

Mr. SPEAKER: Before I adjourn the proceedings I would like to tell the House that Government have given notice of a resolution:

> "That this Assembly is of opinion that the imposition of an improvement levy be recommended in respect of the area to be served by the Damodar-Hooghly-Howrah Flushing Scheme."

On the 3rd September we have got no other business. On a resolution like this often a very large number of members become anxious to speak but they do not get sufficient time. If the House has no objection I can admit it because it is nothing but a resolution. (There was no objection.) As there is no objection we can fix 3rd September for the discussion of this resolution so that a large number of speakers of all shades of opinion may participate in the discussion. I will get the resolution circulated immediately.

Adjournment.

It being 5-25 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 30th August, 1940, in the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 30th August, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 7 Hon'ble Ministers and 209 members.

STARRED QUESTIONS

(to which oral answers were given)

Maintenance of test relief roads and khals in Faridpur district.

*221. **Maulvi AHMED ALI MRIDHA:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that a large number of roads and *khals* were constructed as test relief work in the district of Faridpur in the year 1938-39?

(*b*) Will the Hon'ble Minister be pleased to state how the Government propose to maintain those roads and *khals*?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) It has been proposed that the test relief works which were done by the District Board with the money advanced by Government should be maintained by the District Board; and that as regards other test works, the local bodies concerned for whose benefit they were done should maintain them. But the question has not yet been finally decided.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether Government have consulted the District Board of Faridpur with regard to the maintenance of these roads?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, the matter is under consideration both of Government as well as of the District Board.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister please state whether Government have arranged for consultation with the local bodies concerned with regard to the maintenance of the roads within their jurisdictions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These local bodies concerned here are mostly Union Boards and, very likely, they will be consulted by the District Boards.

Satmail bridge in the Contai subdivision.

*222. **Mr. ISWAR CHANDRA MAL:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the reasons why the construction of the Satmail bridge in the subdivision of Contai in the district of Midnapore has been held back for a long time;

(*b*) whether the plan and the estimate for the same have been finally accepted by the authority;

(*c*) with whom the plan and the estimate are at present; and

(*d*) the time when the work is likely to be taken up?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): The attention of the honourable member is invited to the reply which I gave on the 8th April, 1940, to Mr. Nikunja Behari Maiti's starred question No. 307. The previous proposal and design being defective, a revised scheme was called for from the District Board. After some discussion between the officers of the Provincial Government and the District Board Engineering staff a rough estimate was received from the latter at the beginning of July. This has been examined by the Inspector of Local Works who has submitted it to my principal technical adviser with suggestions for an alternative scheme which can be carried out more quickly. Thereafter the project will be submitted to me through the Commissioner of the Burdwan Division in accordance with the usual practice. I am unable to say when the work will be taken up but every effort will be made to expedite action in both branches of my department.

Amirabad sluice in Magra basin, Midnapore district.

*223. **Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that the Amirabad sluice gate for draining out the water of the Magra basin in the district of Midnapore, police-station Contai, is not working well;

(*ii*) that during heavy rains, rush of water flows into the Magra basin from the higher lands towards the sluice gate;

(*iii*) that in the expert's opinion the construction of a regulator over the *khal* at Balia is necessary for the protection of the said basin;

(*iv*) that a cross dam over the *khal* at Balia has been erected by the people with the sanction of the department for checking the first flow of the water from the sluice gate towards the basin; and

(*v*) that during heavy rains the level of the water rushing towards the sluice gate becomes higher than that of the portion towards the basin near the said *bundh*?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of constructing the regulator over the *khal* at Balia?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) The sluice is working properly.

(*ii*) This happens only when the sluice is tide-locked and when there is abnormally heavy rainfall in the areas nearabout the sluice because the Magra basin is comparatively low.

(*iii*), (*iv*) and (*b*) Yes.

(*v*) The honourable member is referred to the reply given by me to item (*ii*).

Mr. ISWAR CHANDRA MAL: With reference to (*a*)(*i*) will the Hon'ble Minister please state whether there was a cut allowed very near to the sluice for the discharge of water?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: It may be so but I am not quite sure if it was near about the sluice.

Mr. NIKUNJA BEHARI MAITI: Is the Hon'ble Minister aware that this year a cut was allowed by the department to be excavated just near the sluice in order that the water may be discharged?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, Sir, there was a cut but I could not say if it was near the sluice referred to. This was necessitated owing to the sudden flood caused by abnormal rain.

Mr. NIKUNJA BEHARI MAITI: Is the Hon'ble Minister aware that whenever there is a little bit of abnormal water then a cut is required so that the water may be discharged?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, my information is that the sluices which are there are adequate for draining out the water of the embanked area during normal rains.

Mr. NIKUNJA BEHARI MAITI: Is there any difficulty in providing for abnormal years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, that is an absurd proposition.

Mr. NIKUNJA BEHARI MAITI: Is the Hon'ble Minister aware that during this year because of rainfall there has been no proper discharge of water?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: As I have already stated, this was an abnormal year, there having been 20 inches of rain in 40 hours. So no provision could be made for such abnormal rain.

Mr. NIKUNJA BEHARI MAITI: Is the Government of Bengal so weak that it cannot provide for abnormal years?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it is not a question of weakness; it is a question of funds.

Mr. NIKUNJA BEHARI MAITI: Are the Government of Bengal who are spending lakhs and lakhs of rupees on other matters so very poor that they cannot supply a regulator in that area?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: There is no standard by which to measure normality or abnormality.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister please state what is the standard of an abnormal year?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Well, an abnormal year is that which is not a normal year!

Mr. ABU HOSSAIN AHMED: মাননীয় স্পীকার সাহেব, আমি একটা সর্ট নোটিস প্রশ্ন দিয়েছিলাম visitors' card সম্বন্ধে তার কি হোয়েছে ?

Mr. SPEAKER: I shall come to that after disposing of the pending questions which I shall take up now.

Election of Mymensingh District Board.

***211. Mr. MIRZA HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state with respect to Mymensingh district—

(*i*) when the local boards of the district will be abolished; and

(*ii*) when the election of members of the District Board of Mymensingh will take place?

(*b*) Is the Hon'ble Minister aware that Mymensingh is the biggest district in the Province?

(*c*) If so, will the Hon'ble Minister be pleased to state whether the maximum number of seats will be allotted for the District Board of Mymensingh?

(*d*) If so, how many members will be elected and how many will be nominated?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) how many seats will be reserved for the minority community;

(*ii*) what will be the procedure of voting; and

(*iii*) whether the constituencies have been or will be delimited?

(*f*) Is the Hon'ble Minister aware—

(*i*) that the people in general of the district are not in favour of reservation of seats; and

(*ii*) that they prefer the system of secret ballot with symbols?

(*g*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of amending the Bengal Local Self-Government Act, 1885 (Ben. Act III of 1885), accordingly before the election of the Mymensingh District Board?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*)(*i*) With effect from the 19th November, 1941.

(*ii*) The election will be held after the constituencies of the District Board have been delimited by Government under the Rules for Direct Election to District Board.

(*b*) Yes.

(*c*) to (*e*) (*i*) These matters will be considered by Government when the proposal for the delimitation of the constituencies is received from the local officers with the opinion of the District Board.

(*ii*) The procedure of voting has been laid down in rules 9 to 28 of Part II of the Rules for Direct Election to District Boards, a copy of which is laid on the Library table.

(*iii*) The constituencies have not yet been delimited.

(*f*) Government have no information.

(*g*) The answer is in the negative.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister aware that in the coming District Board election voting will be by ballot?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I have already stated that the matter is under consideration.

Dr. NALINAKSHA SANYAL: No, no, the rules have already been framed and passed and how can the matter be still under consideration?

Mr. ATUL CHANDRA KUMAR: Sir, it is astonishing that the Minister in charge does not know of these rules.

Mr. SPEAKER: Anyway, that question does not arise.

Mr. JOGESH CHANDRA GUPTA: Do the Government contemplate changing the rules already issued by them?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware Government is not contemplating changing any one of the rules as yet.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if rules Nos. 13, 14(*2*) and the rules on pages 23-25 of the Rules for Direct Election to District Boards have been or are going to be altered? These rules say that each polling station shall be furnished with such number of compartments in which electors can record their votes screened from observation as the returning officer thinks necessary. That means that these are arrangements for ballot voting.

Rule 14(*2*) says: The symbol assigned to each candidate shall be printed and pasted on the ballot boxes of the respective candidates. The ballot box of each candidate shall also be clearly marked with his name in English, Bengali and/or any other vernacular language as may be decided by the returning officers and so on and so forth.

These clearly denote arrangements for ballot voting.

The Hon'ble Nawab Khwaja HABIBULLAH Bahádur, of Dacca: As I have already said, Sir, it is not in the contemplation of Government to make any change in the rules already passed.

Dr. NALINAKSHA SANYAL: Obviously the Hon'ble Minister, without knowing the rules quoted by me above, gave the reply that Government does not contemplate any change in the rules. That is why I want to make it out clearly whether there is in contemplation any change of these particular rules which provide for ballot; if not, my question will be whether, in the next election of the District Board of Malda, these rules are going to be followed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said that the Government is not contemplating any change of rules and if these rules are there, they will be followed.

Dr. NALINAKSHA SANYAL: There is no question of change of rules. Will the Hon'ble Minister be pleased to state if these rules will apply throughout the province in the ensuing or coming District Board elections?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Probably so. If the rules are there they will apply.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to tell the House why in face of these clear rules, which are applicable to-day the Minister is expressing doubt by saying "probably they will apply"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I do not know that this question is coming to-day. This has come as a surprise. If these questions are put to me to-morrow I can answer them.

Mr. JOGESH CHANDRA GUPTA: Then it can be held over, Sir.

Mr. SPEAKER: No, it cannot be held over.

Mr. ATUL CHANDRA KUMAR: The Hon'ble Minister says that he has not come prepared to answer supplementary questions.

Mr. SPEAKER: I can't help that.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয়, অনুগ্রহ কোরে বোলবেন কি reservation of it সম্বন্ধে গভর্ণমেণ্ট কোন decisionএ এসেছেন কি?

Mr. SPEAKER: That is in the answer.

Mr. CHARU CHANDRA ROY: আমার প্রশ্নটা হোচ্চে—গভর্ণমেণ্ট reservation of it সম্বন্ধে কোন decisionএ এসেছেন কি না ?

Mr. SPEAKER: It is in the answer: "These matters will be considered by Government when the proposal for the delimitation is received from the local officers."

Mr. CHARU CHANDRA ROY: The question is: "is the Hon'ble Minister aware that the people in general of the district are not in favour of reservation of seats," and the answer is "Government have no information".

Mr. SPEAKER: That is right.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to enlighten the House whether Government are going to revise their policy in connection with the reservation of seats?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether there is any option with the Government not to observe the rules that voting will be by ballot system, until the rules are changed or cancelled?

Mr. SPEAKER: That is a question of legal opinion.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state what system is going to be introduced as regards voting in the coming direct elections to District Boards throughout the province of Bengal?

Mr. SPEAKER: How does that question arise?

Mr. ATUL CHANDRA KUMAR: Sir, it is a question of procedure.

Mr. SPEAKER: He has already stated the Government position with regard to procedure.

Mr. ATUL CHANDRA KUMAR: Yes, Sir, it does come in (*e*)(*ii*). But I am referring to question (*f*)(*ii*) whether they prefer a system of secret ballot and symbols.

Mr. SPEAKER: That is quite a different question.

Mr. ATUL CHANDRA KUMAR: In reply to that the Government have said that they have no information. Now, I want to know what will be the procedure of voting, Sir?

Mr. SPEAKER: That is a definite question.

Mr. JOGESH CHANDRA GUPTA: And the supplementary question relates to that.

Mr. SPEAKER: Yes, but he has answered that it has not been settled.

Mr. JOGESH CHANDRA GUPTA: The answer is that the elections will be held after the constituencies of the District Boafd have been delimited by Government and the procedure of voting has been laid down in rules 9 to 28 of Part II of the rules, a copy of which is laid on the library table. Now the question is whether those rules will be followed or is there any change contemplated?

Mr. SPEAKER: Why do you think of change?

Mr. JOGESH CHANDRA GUPTA: Because he has said "probably".

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether he is aware that Mr. Nausher Ali when he was the Minister-in-charge stated that votes would be taken by ballot system?

Mr. SPEAKER: That question does not arise.

UNSTARRED QUESTION

(answer to which was laid on the table)

Memorial by Dacca Rate Payers' Association regarding Dacca Municipality.

105. Mr. TARINI CHARAN PRAMANIK: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any memorial was submitted by the Dacca Rate Payers' Association on the 21st July, 1937, and 16th August, 1937, through the District Magistrate of Dacca before the Hon'ble Minister in charge of Local Self-Government regarding the maladministration of Dacca Municipality?

(*b*) If so, what action has been taken by Government in the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Three petitions, dated the 20th July, 1937, 16th August, 1937, and 25th October, 1938, were received by Government direct from the Dacca Rate Payers' Association and another petition, dated the 25th May, 1939, from the same Association was received through the local officers.

(*b*) A Senior Deputy Magistrate was specially deputed to enquire into the various allegations made by the Association. His report, together with the remarks of the District Magistrate and the Divisional Commissioner, has been duly considered by Government and a statement showing the action taken by Government on such points as, in their opinion, deserved serious attention, is laid on the Library table.

Mr. ATUL CHANDRA SEN: Sir, it appears from the statement laid on the table that the Municipal Commissioners of Dacca have been asked to take up the question of the improvement of the drainage of the ditches and the *khal* running through the heart of the town? Will the Hon'ble Minister be pleased to state what has been done so far for the improvement of the drainage?

Mr. SPEAKER: That question does not arise. It is only on the power of Government the question is based. The power of Government is certainly limited. To find out what has been done, you will have to go to Dacca.

Mr. ATUL CHANDRA SEN: As regards the defalcation of money in the Yusuf market, it has been stated that the Divisional Commissioner has been requested to ask the District Magistrate to make a further enquiry into the matter and submit a report. Will the Hon'ble Minister be pleased to state whether the District Magistrate has submitted a report on the outstanding allegation which is more than two years old?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Mr. NIKUNJA BEHARI MAITI: Sir, I have got an adjournment motion for which I have got your permission. May I move it?

Mr. SPEAKER: No, please wait.

Mr. ABUL HOSAIN AHMED: আমি visitors' card সম্বন্ধে যে short notice question দিয়েছিলাম তাহার কি হইল ?

Mr. SPEAKER: আপনার questionটা পাঠিয়ে ছিলেন কবে ?

Mr. ABUL HOSAIN AHMED: পাঠিয়েছিলাম ২৭শে তারিখে।

Mr. SPEAKER: What was the question about?

Mr. ABUL HOSAIN AHMED: About the issue of visitors' cards?

Mr. SPEAKER: So far as that question is concerned, it has been disallowed.

Mr. ABUL HOSAIN AHMED: May I refer the matter to the Privilege Committee?

Mr. SPEAKER: This is your look out, not mine. If you table a motion on proper lines, I shall consider it on its merits. It is rather unprecedented that at a time when there is a tremendous rush and our office has to work day after day without knowing as to how to accommodate a long number of visitors, an old man like you should have thought it prudent to ask as to how the visitors' cards are issued and distributed. I absolutely refuse to give any answer here on those points. I feel that all administration will be paralysed if there is any question on the manner in which these things are done. It is only those who feel the pinch of the pressure who can understand as to how these things are managed, and, I believe, members know that even at the last moment they come with a view to seeing that some visitors or other are accommodated. Anyway, this is a matter in which I refuse to disclose any information in the House as this is entirely under my administrative responsibility and in which the House has got absolutely no control.

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. I want a definite ruling from Mr. Speaker as to whether the members have a right to enquire into the manner in which cards are issued.

Mr. SPEAKER: Certainly, if a member comes to my chamber to enquire about these things, I am prepared to supply the necessary information. But in the House itself, I am not prepared to say anything.

Adjournment Motion.

Mr. NIKUNJA BEHARI MAITI: Sir, may I move my adjournment motion, the notice of which has already been given and which runs as follows:—

That the business of the Assembly do stand adjourned for discussing a definite matter of urgent public importance, namely, the distress of the people of the Contai subdivision due to the recent flood caused by the negligent acts of commission and omission of the Government in respect of the spill areas of the river Kaliaghai and the embankments.

Mr. SPEAKER: When did this flood take place?

Mr. NIKUNJA BEHARI MAITI: The flood took place on the 28th August.

Mr. SPEAKER: Only day before yesterday, and you mean to say that Government have failed to take any action within these three days?

Mr. NIKUNJA BEHARI MAITI: Government failed to take action in properly maintaining the embankments. Sir, in the statement of facts, you will be pleased to find that the embankments are not properly maintained and that high *bunds* have been erected in the area stopping free flow of water——

Mr. SPEAKER: So many things cannot be discussed. Let me know clearly what is the point that you want to discuss in the adjournment motion.

Mr. NIKUNJA BEHARI MAITI: I want to discuss the distress caused by the breach on the 28th August.

Mr. SPEAKER: I am sorry; then it is not in order.

Mr. DHIRENDRA NATH DATTA: Sir, from the statement that has been submitted, it is clear that the distress is due to the failure of the Government to maintain the high *bunds* in proper condition.

Dr. NALINAKSHA SANYAL: Sir, may I point out——

Mr. SPEAKER: This failure is not a failure of to-day. It may be that the incident has happened to-day, but so far as the failure is

concerned, it has happened long before. If you bring in an adjournment motion on the acts of omission and commission of Government, I think, even Dr. Sanyal will find it difficult to support it.

Dr. NALINAKSHA SANYAL: Sir, I was just going to put in a point of order in this connection. Here is an incident of very recent occurrence, namely, it happened day before yesterday. It is an act of nature, but this act of nature has created a devastating flood because of the policy of Government which has been followed for the last few months. In spite of the fact that we pointed out repeatedly to the contrary, the policy has been followed of removing embankments and of at least allowing them to remain in disrepair. So, it is not merely a matter of negligence to do some act, but it is a positive act of Government, namely, the carrying out of the policy adopted by them of allowing the *bunds* to go without repairs. That is a positive act, as a result of which the people are suffering. The act, as a matter of fact, was continuing and is still continuing and the effect of the act has been immediate. That is why we want to have a discussion on the matter and the matter of discussion will be the Government's failure and not the Nature's failure.

Mr. SPEAKER: I think, you may put a question asking clearly what is the nature of distress there and if the answer discloses anything which justifies a discussion in the House, I will certainly consider it.

Dr. NALINAKSHA SANYAL: Sir, we may ask the Hon'ble Minister to make a statement on the position now.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I am sorry, I am not in a position to make a full statement on this incident as I am——

Mr. SPEAKER: I think, it is better that you try to ascertain all the facts and as soon as you get them, you make a statement in the House on this matter.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: But, Sir, as you were pleased to point out, if there was any act of omission or commission, it is not of recent occurrence, and I do not think, it can ever be proved that negligence to repair any embankment has caused the flooding. Besides, Sir, this is not a new thing, because there have been breaches in the embankment followed by floods in that area, in spite of the strictest vigilance on the part of Government servants in keeping the embankments in proper condition.

Mr. JOGESH CHANDRA GUPTA: Sir, having regard to the statement made by the Hon'ble Minister in charge that this is not a new thing and that it has happened in the past, I submit, it is taken out of the description of an act of God. This is a thing which has happened——

Mr. SPEAKER: In other words, in God's kingdom, there cannot be any past incident! (Laughter.)

Mr. JOGESH CHANDRA GUPTA: Sir, I submit, you will be pleased to consider this matter.

Mr. SPEAKER: Anyway, the adjournment motion is not in order. But if the Hon'ble Minister wants to make a statement on the flood situation or on the steps that he has taken, I will not stand in the way.

Dr. NALINAKSHA SANYAL: I think, that should be the proper procedure.

Mr. SPEAKER: I think, it is reasonable that in a case of this nature, it is always desirable that at the earliest opportunity, a statement should be made in the House as to whether there is an acute distress or a state of emergency in the area irrespective of the consideration as to whether such a motion satisfies all the formalities or not.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, as soon as I get the materials, I will place all the information before the House.

Bengal Patni Taluks Regulation (Amendment) Bill, 1940.

The Secretary then read out the following message received from the Bengal Legislative Council:—

That the concurrence of the Bengal Legislative Assembly be asked to the Bengal Patni Taluks Regulation (Amendment) Bill, 1940, as passed by the Bengal Legislative Council at its meeting held on the 23rd August, 1940.

NON-OFFICIAL RESOLUTION.

Mr. RASIK LAL BISWAS: I beg to move that this Assembly is of opinion that rupees ten lakhs be sanctioned and spent by the Government every year (including the year 1940-41) for the education of the Scheduled Castes and other educationally backward Hindus of this province.

সভাপতি মহাশয়, এই প্রস্তাব এই হাউসে move করার প্রয়োজনীয়তা সম্বন্ধে আমার দু'একটা কথা এখানে বলিবার প্রয়োজন আছে। (A member of the Krishak Praja Group: খুব সংক্ষেপে বোল্‌বেন, কেননা প্রস্তাবটা আপনি একটু পরেই withdraw কোরবেন।) গভর্ণমেণ্ট প্রস্তাবিত টাকা দিতে সম্মত হলে আমি প্রস্তাব withdraw কোরব, অন্যথায় নয়। আমাদের দেশের যে সমস্ত লোককে এবং যে শ্রেণীর লোককে Scheduled Castes বলা হয়, তারা এদেশের সকল শ্রেণীর অপেক্ষা অন্যান্য সকল বিষয়েই এবং বিশেষরূপে শিক্ষা বিষয়ে পশ্চাৎপদ। এই পশ্চাৎপদ অবস্থা থেকে তাদের অগ্রসর কোরে নিতে হোলে প্রথমেই দরকার,—তাদের শিক্ষা দেওয়া। তাদের শিক্ষার যে ব্যবস্থা এতদিন হোয়ে এসেছে এবং বর্ত্তমানেও আছে তা এই সম্প্রদায়কে অগ্রগামী কোরতে অন্যান্য সম্প্রদায়ের সমকক্ষ কোরে নেবার পক্ষে যথেষ্ট নয়। কাজেই, এই সম্প্রদায়ের শিক্ষার ব্যবস্থার জন্য বিশেষ বন্দোবস্ত করা প্রয়োজন। আজ Scheduled Castesরা যে অবস্থায় আছে তাতে তাহাদিগকে সমাজের একটা কলঙ্ক বিশেষ ছাড়া আর কিছুই বলা চলে না। এগ্নি চিরকাল ধোরে হোয়ে এসেছে, যার জন্য বঙ্গদেশের সমস্ত সমাজের যে পরিমাণ অগ্রসর হওয়া উচিত ছিলো সে পরিমাণে অগ্রসর হোতে তারা পারে নাই, সে পরিমাণে শক্তিশালীও হোতে পারে নাই। কাজেই Scheduled Castesদের উন্নতি কোরে নেওয়াটা শুধু Scheduled Castesদের পক্ষেই দরকারী নয়, দেশের সকল শ্রেণীর লোকের পক্ষেই প্রয়োজনীয়। কারণ দেহের একটা অংশ যদি দুর্ব্বল ও পক্ষাঘাতগ্রস্ত হোয়ে থাকে, সে দেহ যেমন সুস্থ বোধ কোরতে পারে না, তেম্নি কোন সমাজ বা কোন দেশের এক অংশ যদি দুর্ব্বল বা অবশ হোয়ে থাকে সে সমাজ ও সে দেশ শক্তিশালী হোতে পারে না। কাজেই Scheduled Castesদের সমস্যাটা শুধু তাদেরি সমস্যা নয় দেশের সকল সম্প্রদায়েরই সমস্যা। সুতরাং আমি আশা করি এই প্রস্তাবটা হাউসের সকল দিককার সভ্যগণই সম্পূর্ণভাবে সমর্থনের জন্য সচেষ্ট হবেন।

বর্ত্তমানে Scheduled Castesদের শিক্ষার অবস্থা অত্যন্ত শোচনীয়। কারণ পূর্ব্ব হোতেই এ দিকে বিশেষ কোন দৃষ্টি দেওয়া হয় নাই। যদিও বৃটিশ গভর্ণমেণ্ট বারবার Scheduled Castesদের trustee বোলে দাবি কোরেছেন এবং তাদের জন্য অনেক সময় দরদের কথা বোলেছেন অনেক সহানুভূতি দেখিয়েছেন, কিন্তু কার্য্যতঃ এই সমাজের লোকদের শিক্ষায় উন্নত কোরে নেবার জন্য বিশেষ চেষ্টা তাঁরা করেন নাই। বর্ত্তমানে, আমাদের দেশে যে নূতন শাসন পদ্ধতি দেওয়া হোয়েছে, তার ফলে দেশের লোকের হাতে শাসন ক্ষমতা এসেছে। কাজেই বর্ত্তমান গভর্ণমেণ্টের পক্ষে এ সমস্যা সমাধান করার বিশেষ প্রয়োজন হোয়ে পড়েছে।

বর্ত্তমানে Scheduled Castesদের প্রাইমারী এডুকেশন অত্যন্ত শোচনীয়। গ্রামে গভর্ণমেণ্ট থেকে যথেষ্ট পরিমাণ স্কুল Scheduled Castesদের শিক্ষার জন্য তো করা হয়ই নাই, আমরা নিজেরা যে সমস্ত স্কুল কোরেছি, সে গুলিকে গভর্ণমেণ্ট বা ডিষ্ট্রীক্ট বোর্ড থেকে ১৲ টাকা, ১।০ বা চার আনার বেশী মাসিক সাহায্য দেওয়া হয় না। এই সামান্য সাহায্য দ্বারা স্কুল চোল্‌তে পারে না। Scheduled Castesদের

আর্থিক অবস্থা শোচনীয় বিধায় তারা স্কুলের শিক্ষকদের বেতন ও অন্য সমস্ত খরচ বহন কোরে স্কুল চালাতে পারে না। সেই জন্য ঐ সব স্কুলের শিক্ষকরা বেতন পান না বোলে তারা অনেক জায়গায় ভাল কোরে পড়ান না, শিক্ষক মহাশয়রা aidটা পাবার জন্য হাজিরা সহি কোরেই চোলে যান। কাজেই Scheduled Castesদের পক্ষে শিক্ষা পাওয়ার গুরুতর অসুবিধা হোয়েছে। তারপর বর্ত্তমানে যে সমস্ত জায়গায় Scheduled Castesএর লোকেরা অধিক সংখ্যায় বসবাস করে সেখানে গভর্ণমেণ্টের কোন স্কুল নাই। Scheduled Castesএর লোকেরা চেষ্টা কোরে কোন কোন জায়গায় Middle English School ও High English School কোরেছে, কিন্তু তাদের নিজেদের অর্থের অসচ্ছলতার জন্য সেগুলি ভাল রকম চালাতে পারছে না। এবং অর্থ না থাকায় অন্য যে সব জায়গায় ভাল স্কুল আছে সেখানে যেয়ে তারা পড়তে পারে না। কলেজের এডুকেশন সম্বন্ধেও তাদের অসুবিধা খুব বেশী। কিন্তু গত দুই বৎসর গভর্ণমেণ্ট থেকে তাদের শিক্ষার জন্য এককালীন যে ৫ লক্ষ টাকা ধার্য্য করা হোয়েছিল তার ফলে অনেক ছাত্র stipend পাওয়ায় অনেকটা উপকার হোয়েছে। কিন্তু সে পাঁচ লক্ষ টাকা প্রায় শেষ হোয়ে এলো। হাতে যে কিছু টাকা রোয়েছে সেটা school buildingএর জন্য যা ধরা হোয়েছিল, সেই বাবদ রয়েছে, কিন্তু stipend ও অন্যান্য বাবদ যা ধরা হোয়েছিল তা প্রায়ই ব্যয় হোয়েছে। কাজেই বর্ত্তমানে Scheduled Castesদের কলেজ এডুকেশনের অবস্থা শোচনীয় হোয়েছে। অতিরিক্ত টাকা মঞ্জুর না হলে অনেকের শিক্ষা বন্ধ হয়ে যাবে। তারপরে টেক্‌নিক্যাল্ professional বা কার্য্যকরী অন্যান্য যে সব শিক্ষার খরচ বেশী লাগে সেগুলি আমাদের শ্রেণীর লোকের পক্ষে অসম্ভব রয়ে যাবে। যাঁদের অবস্থা ভাল তাঁরাই দু'একজন মাত্র তাঁদের ছেলেদের শিখাতে পারছেন কিন্তু সাধারণ Scheduled Castes সমাজ তার কোন সুযোগ সুবিধা পেতে পারে না। কাজেই এ দিক দিয়ে তারা ভয়ানক পিছিয়ে আছে; Scheduled Castesদের এডুকেশনের মোটামুটি অবস্থা এই রকম। এ অবস্থার প্রতিকার কোরতে হোলে এখনই তাদের জন্য বিশেষ fundএর প্রয়োজন এবং বিশেষ টাকা ব্যয়ের ব্যবস্থা করার প্রয়োজন। আমাদের গভর্ণমেণ্ট ২।৩ বৎসরের পূর্ব্বে যে ৫ লক্ষ টাকার ব্যবস্থা কোরেছিলেন তাতে Scheduled Castesদের অনেকটা সাহায্য হোয়েছে। কিন্তু সেই ৫ লক্ষ টাকা একবার মাত্র sanction হোয়েছে সেটা recurring grant নয়। আমাদের শিক্ষার যা নাকি অবস্থা তাতে অন্ততঃ ঐ টাকাটা recurring grant কোরতে হবে। তা না কোরে মাত্র একবারের জন্য কিছু টাকা ধোরলেই যথেষ্ট নয়। অনুন্নত সম্প্রদায়ের শিক্ষার উন্নতির জন্য মাদ্রাজ ও বোম্বের গভর্ণমেণ্ট কিছু কিছু কোরেছেন, সেই জন্য সে দেশের Scheduled Castesদের অবস্থা বর্ত্তমানে কতকটা ভাল (A MEMBER OF THE CONGRESS PARTY: সেগুলি যে Congress Government.) অন্যান্য প্রদেশের গভর্ণমেণ্ট যা কোরেছেন তা অতি নগণ্য। তাদের চেয়ে বেঙ্গল গভর্ণমেণ্ট অনেক বেশী করেছেন। বর্ত্তমানে আমাদের দেশের যা অবস্থা তাতে সমাজে একটা বড় reformএর প্রয়োজন, শুধু Scheduled Castesদের উন্নতি হলেই বড় একটা reform হতে পারে অন্যথায় নয়। দুঃখের বিষয় Political reform

পেয়েও এ দিক দিয়ে বিশেষ কাজ হোচ্ছে না। আগে যেমন Legislative bodyতে Scheduled Castesএর ২।১ জন প্রতিনিধি থাকতেন, এখন আর তেমন নয়, ৩০ জন প্রতিনিধি পরিষদে আর কেবিনেটে ২ জন Scheduled Castes মন্ত্রী থেকেও আমরা সেরূপ কিছু সুযোগ সুবিধা পাচ্ছি নে। তা না পাওয়ার অনেক কারণ আছে। Scheduled Castesদের যে রকম অবস্থা তাহাতে আমাদের নিজেদের ইচ্ছা অনুসারে মেম্বার নির্ব্বাচিত হতে পারে না। Caste হিন্দুদের সহায়তা দরকার সে জন্য আমাদের অনেকেই স্বাধীনভাবে মত ব্যক্ত কোরতে বা burgain কোরতে পারেন না। Joint electorate থাকার জন্য ভবিষ্যতে উন্নতির পথে আমাদের অসুবিধা অনেক। Minority Committeeর যে burgaining power থাকা প্রয়োজন তাহা আমাদের অধিক সভ্যদের নাই। তারা ভবিষ্যতে নির্ব্বাচনের আশায় Caste হিন্দুদের অনুগত হয়ে পড়েছে। ইহার ফলে আমাদের politically backward communityর কোন সুবিধা হচ্ছে না। জোরের সঙ্গে আমাদের সমাজের দাবী তাঁহারা কোরতে পারছেন না। আজ মুসলমান গভর্ণমেণ্ট বলেই আমরা জোরের সঙ্গে দাবী কোরে এই প্রস্তাব আন্‌তে পেরেছি এবং গভর্ণমেণ্টকে ইহা স্বীকার করাইতে পেরেছি।

Scheduled Caste Educationএর আর একটা অসুবিধা হচ্ছে Free Primary Education Schemeএর effect না দেওয়া। অনেক দিন ধোরে জল্পনা কল্পনা কোরে এসেছি Primary education free এবং compulsory করবার জন্য, সেটা না থাকার জন্য অন্যান্য সম্প্রদায় ও সমাজের চেয়েও Scheduled Castesদের অনেক বেশী অসুবিধা হচ্ছে। আর একটা অসুবিধা আমাদের হোচ্ছে এই যে বিভিন্ন জেলায় যে সব School Board হোয়েছে free primary education হওয়ার জন্য সে boardএ আমাদের যথেষ্ট সংখ্যক প্রতিনিধি বা member না থাকার জন্য যে সমস্ত areaতে Scheduled Castesদের ন্যায্য school হওয়া উচিত সে সমস্ত জায়গায় স্কুল হচ্ছে না। সুতরাং আমাদের effective representation প্রত্যেক School Board গুলিতে থাকা চাই। আমাদের দেশে মুসলমান সম্প্রদায়ও backward কিন্তু Scheduled Castesদের মতন নয়। তাহাদের religious educationএর ব্যবস্থা থাকবার জন্য, এবং মক্তব্ মাদ্রাসা থাকার জন্য তাদের অনেক শিক্ষার সুবিধা আছে। আমাদের না আছে religion না আছে তা শিখবার ব্যবস্থা। আমাদের ঠিক যা religion হবে তা এখন পর্য্যন্ত আমরা ঠিক করতে পারছি না। Religion বল্‌তে আমরা ধর্ম্ম সম্বন্ধে মোটামুটি যাই বুঝি না কেন তাতে দেবদেবী ইত্যাদি অনেক বিষয় আছে। আমাদের দেশের এক শ্রেণীর historian অনুণ্নত সম্প্রদায়কে অনার্য্য বোলে থাকেন। আমি সে history মানিও না অমান্যও করি না। (A MEMBER OF THE CONGRESS PARTY: তবে কি করেন বলুন।) এখন যদি আমাদের অনার্য্য সম্প্রদায় ভুক্তই হোতে হয় তাহলে হিন্দুর যা দেবদেবী আছে সেগুলি আমাদের মানা চলে না। (Dr. NALINAKSHYA SANYAL: ভেঙ্গে ফেলুন, কালাপাহাড় হোয়ে ভাঙ্গতে থাকুন।) অনার্য্য যাঁরা, দৈত্য যাঁরা, তাঁরা দেবদেবী ধ্বংশ করবার জন্যই জন্মে। কাজেই religious educationএর জন্য মুসলমান ভাইদের মতন আমরা যে টাকাকড়ি বার কোরে নেব

সেটা এক সম্বন্ধে আমাদের সুবিধা নাই। কাজেই আমাদের মুসলমান ভাইরা আশা করি আমাদের সহায়তা এবং সাহায্য দেবেন। আমাদের শিক্ষার ব্যবস্থা কোরতে গেলে primary education, এবং অন্যান্য educationএর যা ব্যবস্থা করা উচিত সে ব্যবস্থা কোরতে হবে। তারপরে Scheduled Castesএর সমান পরিমাণ দুরবস্থা অন্যান্য হিন্দু সম্প্রদায়েরও আছে, যাঁরা নাকি গভর্ণমেণ্ট অব ইণ্ডিয়া Actএ Scheduled Casteএর মধ্যে পড়েন নাই, যেমন—কাপালি, যুগী, সুত্রধর, কুমার, কামার, মাহিস্য, গোপ, ইত্যাদি ইহারাও শিক্ষায় পশ্চাতপদ্। Scheduled Castes হিসাবে আমরা দাবী কোরতে পারি গভর্ণমেণ্টকে নীতি হিসাবেও আমাদের দাবী গ্রহণ কোরতে বোল্‌তে পারি কিছু টাকার ব্যবস্থা করার জন্য কিন্তু ঐযে সব অনগ্রসব সম্প্রদায় তাদের কোনই ব্যবস্থা নাই। কারণ যাঁরা Caste হিন্দু, উপরের স্তরে আছেন তাঁরা নিজেদের নিয়াই ব্যস্ত এই সম্প্রদায়ের দিকে নজর দিবার সময় তাঁদের নাই। কিন্তু এরা যে পৃথক সম্প্রদায় ভাবে group ভাবে দাবী কোরতে পারবে সে সাহসও এদের নাই। এরূপ দাবী এরা পূর্ব্বেও কোরতে পারে নাই। কাজেই ওদের না আছে একুল না আছে ওকুল। কাজেই এদের শিক্ষার উন্নতির জন্য ব্যবস্থা করা উচিত। আমাদের এই প্রস্তাবে তাদের শিক্ষারও উন্নতির দাবী কোরছি।

গভর্ণমেণ্ট হয়ত বোলবেন্ যখন পাঁচ লক্ষ টাকা sanction করা হয় তখন Scheduled Castesএর educationএর জন্য একটা Advisory Committee গঠন করা হয়েছিল। তার President Dr. Jenkins তখন গভর্ণমেণ্টকে এ বিষয়ে সাহায্য করবার জন্য একজন special officer নিযুক্ত হোয়েছিলেন এখনও তিনি আছেন। সে Committee কয়েক মাস হোলো বিশেষভাবে আলোচনা কোরে Scheduled Castesদের শিক্ষার জন্য একটা scheme পেশ করেন। সেই scheme সম্পর্কে কয়েকটা কথা আমি উপস্থিত কোরছি। সেই schemeএ প্রথমেই বলা হোয়েছে গভর্ণমেণ্টকে একটা constructive forward policy Scheduled Castesদের education সম্বন্ধে adopt কোরতে। এবং সেখানে— Scheduled Caste-দের education সম্বন্ধে একটা definite policy কি হবে—সেটা declare করবার জন্য গভর্ণমেণ্টকে সেই কমিটি অনুরোধ কোরেছেন। তাঁরা আরো বোলেছেন যে একটা স্থায়ী Advisory Committee থাকা প্রয়োজন। এবং একজন special officer নিযুক্ত করা প্রয়োজন। তাছাড়া প্রত্যেক ডিভিসনে একটি কোরে Assistant Inspector Scheduled Castesদের শিক্ষার জন্য থাকবার ব্যবস্থাও সেখানে আছে। Primary education সম্বন্ধেও সে কমিটির সুপারিশ এই যে Scheduled Castesদের পক্ষ থেকে উপযুক্ত পরিমাণ প্রতিনিধি Scheduled Castesদের পক্ষ থেকে প্রত্যেক স্কুল বোর্ডে থাকা দরকার। এবং Scheduled Castesদের লোক যে সমস্ত areaয় বেশী থাকে সে সমস্ত জায়গায় তাদের জন্য প্রাইমারী স্কুল বেশী হওয়া দরকার। এবং প্রাইমারী স্কুলের শিক্ষক শিক্ষয়িত্রীরা যাতে উপযুক্ত ভাবে training পেতে পারে তার ব্যবস্থা করবার জন্যও গভর্ণমেণ্টকে সুপারিশ কোরেছেন।

তারপরে secondary educationএর জন্য ব্যবস্থাও তার মধ্যে আছে। Secondary Education Billএ আমরা গভর্ণমেণ্টকে support কোরেছি। বোর্ড গঠন হোলে আমাদের সুবিধা হবে কি অসুবিধা হবে সেটা ভবিষ্যতের বিষয়। আমরা আশা করি সুবিধাই হবে। আমরা এত অসুবিধা যুগ যুগান্তর থেকে ভোগ কোরছি যে যখন কোন নূতন বিষয় আসে তখন আমরা আশা করি যে আমাদের সুবিধাই হবে। Secondary education সম্বন্ধে কমিটির স্কীমে সুপারিশ এই যে Scheduled Castesদের তরফ থেকে যে সব Middle English school ও High English school হয়েছে সেগুলি যাতে ভালো ভাবে চলে সেজন্য যথেষ্ট aidএর ব্যবস্থা কোরতে হবে। তারপরে inspecting officers যারা নাকি স্কুলগুলি inspect কোরতে যেয়ে যে সমস্ত difficulty create কোরে তারা যাতে নাকি aid না পায় সেইরূপ কাজ এতকাল ধোরে কোরে আসছেন ভবিষ্যতে তাঁরা সেরূপ চেষ্টা থেকে বিরত হোয়ে যাতে ঐ স্কুলগুলির aid পাওয়ার সাহায্য করেন, তাদের একটা কোরে start দিয়ে impetus দেন সেইরূপ ব্যবস্থা করার জন্য বলা হোয়েছে। আর যেখানে secondary স্কুলের ছেলেরা দূর থেকে পোড়তে আসে, সেখানে hostelএর ব্যবস্থা করার সুপারিশ সেই স্কীমের মধ্যে আছে। আর সেইসব হোষ্টেলে থাকার জন্য এবং তাদের পড়বার জন্য যথেষ্ট সংখ্যক scholarship বা stipendএর ব্যবস্থাও সেখানে করবার কথা আছে।

কলেজ এডুকেশনের জন্য সেই কমিটি যে স্কীম কোরেছেন তাতে আছে যথেষ্ট সংখ্যক scholarship ও stipendএর ব্যবস্থা করার কথা যাতে নাকি বহুসংখ্যক ছাত্র সহরে থেকে পোড়তে পারে। meritorious ছাত্র যারা তারা গরীব হোলেও যাতে গভর্ণমেণ্টের সাহায্য পেয়ে পোড়তে পারে এবং সমাজের মুখোজ্জ্বল কোরতে পারে সেই ব্যবস্থা করার,—এবং বহুসংখ্যক ছাত্র যাতে কলকাতায় পোড়তে পারে এবং কলকাতায় থাকতে পারে সেজন্য একটা Scheduled Castes hostel এখানে খোলবার জন্য কমিটি দেড় লক্ষ টাকা সুপারিশ কোরেছেন। যতদিন hostel না হয় ততদিন একটা বড় বাড়ী ভাড়া নিয়ে hostelএর ব্যবস্থা করার কথাও বলা হোয়েছে।

তারপরে যথেষ্ট সংখ্যক ছাত্র যাতে ইঞ্জিনিয়ারিং, মেডিকাল, এগ্রিকাল্‌চারাল্‌, কমার্শিয়াল, আর্ট, ভেটেরিনারি, নানাবিধ টেক্‌নিক্যাল ও বি, টি, প্রভৃতিতে শিক্ষা লাভ করিতে পারে তার ব্যবস্থাও করার কথাও সেই schemeএ আছে। কমিটি এ সম্বন্ধে একটা টাকাও ধোরেছেন। তাঁরা মোটামুটি প্রায় 8 লক্ষ টাকা ফি বছরে এই সব কাজের জন্য খরচ হোতে পারে বোলে অনুমান কোরে সে টাকার ব্যবস্থা গভর্ণমেণ্টকে কোরতে অনুরোধ কোরেছেন। সে স্কীমটা এখন গভর্ণমেণ্টের বিবেচনাধীন রয়েছে। এ সম্বন্ধে Finance Minister ও Education Ministerএর সঙ্গে আমাদের কথা হোয়েছে এবং তাঁরা সহানুভূতির সঙ্গে বিবেচনা কোরবেন বোলে আশ্বাস দিয়েছেন এ বিষয়ে এখনো কোন final order পাওয়া যায় নাই। তবে একথা আমি এখানে বোলতে পারি—যে এটায় গভর্ণমেণ্টের সহানুভূতি আছে। এখন এই Houseএর সমস্ত দিকের সভ্যরা যদি এই সমস্যাটা ভালো কোরে বিবেচনা করেন, এবং বিচার বিবেচনা

কোরে যাতে অনুণ্নত সম্প্রদায় উন্নতি লাভ কোরে এমন ভাবে চোল্‌তে পারে যে সমাজের মধ্যে অনুণ্নত বোলে আর একটা সম্প্রদায়ের অস্তিত্ব না থাকে; এরি জন্য আমার এ প্রস্তাব এখানে আনা।

এই অতিরিক্ত ব্যয়ের জন্য যদি গভর্ণমেণ্টকে কোন কর ধার্য্য কোরতে হয় তাহলে হাউসের সকল দলের সভ্যরাই যদি এই resolution সমর্থণ করেন, তাহলে অতিরিক্ত কর ধার্য্যের প্রয়োজন হোলে, ধোরতে যে হবেই তা আমি বোল্‌ছি নে,—হাউসের সকল sectionএরই সম্মতি তাঁরা পাবেন।

আমি দশ লক্ষ টাকার কথা বোলেছি। দশ লক্ষেরই যে প্রয়োজন হবে তা নয় তার কমেও হোতে পারে। কিন্তু পরে যখন স্কীম develop কোরতে থাকবে তখন প্রতি বৎসর দশ লক্ষ টাকা লাগবে। যে স্কীম করা হোয়েছে এবং গভর্ণমেণ্টের নিকট পেশ করা হোয়েছে,—সে স্কীম অনুসারে যে টাকা দরকার, আমি আশা করি এবং অনুরোধ করি গভর্ণমেণ্ট সে টাকার ব্যবস্থা কোরবেন।

এটা তো গেল Scheduled Castes educationএর বিষয়। এখন যারা Scheduled Castes নয় অথচ হিন্দু সমাজের মধ্যে যারা educationally backward, তাদের দিকে লক্ষ্য কোরে, তাদের যাতে কিছু সুবিধা হয় গভর্ণমেণ্ট সে ব্যবস্থা কোরবেন। গত বাজেট্ sessionএ আমি এবিষয়ে একটা Cut motion দিয়েছিলাম, সেই motionএর উপর বক্তৃতা কোরে কংগ্রেস্ পার্টি থেকে বিতাড়িত হোয়ে আমি বাধ্য হোয়ে এই দলে এসেছি। (Laughter.) আমি আশা করি আমার কংগ্রেসী বন্ধুরা তাঁদের পূর্ব্বের অন্যায়ের প্রায়শ্চিত্তস্বরূপ whole heartedly আমার প্রস্তাবটা সমর্থণ কোরবেন। (Mr. J. C. GUPTA AND OTHERS: All, all.) হাউসের মুসলমান ভাইদের নিকট অনুরোধ, তাঁরাও যখন কতকটা অনুণ্নত সুতরাং বোঝেন যে যারা অনুণ্নত তাদের উন্নতি কোরতে হোলে কি প্রয়োজন। এই জন্য আমার অনুরোধ তাঁরা যেন আমার প্রস্তাবটাকে বিশেষভাবে সমর্থণ করেন। কারণ তাঁদের সমাজের উন্নতির জন্য যে সমস্ত দাবী করা প্রয়োজন আমরা তা সর্ব্বান্তঃকরণে সমর্থণ কোরবো। তাঁরা এদেশে আমাদের সম্প্রদায়ের সংখ্যায় তিন গুণ; আমাদের সম্প্রদায়ের শিক্ষার উন্নতির জন্য আমরা দশ লক্ষ টাকা চাইছি তাঁরা যখন সংখ্যায় তিন গুণ, সুতরাং যদি তাঁরা তিন দশএ ত্রিশ লক্ষের স্থলে ৫০ লক্ষও যদি চান, আমরা তাহা সমর্থণ কোরবো। সুতরাং তাঁরাও আমাদের যে টাকাটা প্রয়োজন সেটা আনন্দের সঙ্গে সমর্থণ কোরবেন বোলেই আমি আশা করি। (A MEMBER OF THE CONGRESS: হিন্দু মুসলমান আমরা সবাই সর্ব্বান্তঃকরণে সমর্থণ করি।)

Mr. SYED ABDUL MAJID: Mr. Deputy Speaker, Sir, I have every sympathy with the object of the mover of this resolution. It is an admitted fact that the Scheduled Caste people of this province are most backward in the matter of education. They have not had so long the necessary facilities for giving education to their children, and it is

for this reason they have not been able to get any advantage either in the sphere of administration or in any other sphere of life. The Mussalmans of this province also were backward in the matter of education. The State so long did not pay proper attention to give necessary facilities in the matter of education either for the Muslims or for the Scheduled Caste people. But for the endowment that was made by the late Muhammad Mohsin, the Muslims of this province would not have advanced so much as they have done now. As you know, Sir, many of us would not have been here and would not have got any education at all if the late Muhammad Mohsin had not made a charitable endowment for the education of the children of Muslims of this province. The Government, at any rate, the people in whose hands the administration was placed so long, did not discharge their duties to the backward people like the Muslims and the Scheduled Castes. Now, Sir, it is admitted that the Scheduled Caste people, whether in the primary stage of education, or in the secondary stage of education, or in the university stage of education, have not been getting proper facilities. The Government of the day and the supporters of the present Government fully realized this difficulty, and it is for this reason last year Government sanctioned 5 lakhs of rupees for giving special facilities to the Scheduled Caste people in the matter of education.

Mr. KSHETRA NATH SINGHA: That was three years ago.

Mr. SYED ABDUL MAJID: Yes, three years ago. I understand that that money is now exhausted, and it is necessary that some permanent provision should be made for giving facilities in the matter of education. I fully support the object behind this resolution, although I submit that it should be done after a definite scheme has been prepared. It is no good providing money and then finding ourselves unable to spend the same. A Special Officer has been appointed from amongst the Scheduled Caste community and also an advisory committee has been appointed by Government to prepare a scheme for the education of the Scheduled Caste people.

Mr. ATUL CHANDRA SEN: In the meantime they will go on vegetating.

Mr. SYED ABDUL MAJID: My friend Mr. Biswas would have been well advised to move this resolution after a definite scheme has been prepared.

Mr. ANUKUL CHANDRA DAS: It has been prepared already.

Mr. SYED ABDUL MAJID: I am told that such a scheme has been prepared and submitted. Sir, we are quite prepared to support the resolution in a modified form. As much money as will be necessary to give effect to the scheme that has been prepared for the advancement of the Scheduled Caste education may be provided. With these reservations, I support the resolution of Mr. Rasik Lal Biswas.

Mr. ADWAITA KUMAR MAJI: Mr. Speaker, Sir আমি আমার বন্ধু শ্রীযুক্ত রসিক লাল বিশ্বাসের প্রস্তাবটী সমর্থন করি। কিন্তু তিনি কংগ্রেস্ পরিচালিত গভর্ণমেণ্টের শিক্ষার ব্যবস্থার বিরুদ্ধে যা বোলেছেন, তার আমি তীব্র প্রতিবাদ করি। কংগ্রেস্ গভর্ণমেণ্ট Scheduled Castesদের শিক্ষার উন্নতির জন্য কি কি ব্যবস্থা কোরেছেন সে সম্বন্ধে আমি গত বাজেট সেসনে বিহার, উড়িষ্যা, মাদ্রাজ ও বোম্বাই প্রভৃতি কংগ্রেস গভর্ণমেণ্টের কার্য্যাবলীর বিষয় উল্লেখ কোরেছি। সে কথা তাঁর হয়তো নিশ্চয়ই মনে থাকতে পারে। তারপর তিনি যে Scheduled Castesদের educationএর জন্য ৩ বৎসর আগেকার ৫ লক্ষ টাকা sanctionএর বিবৃতি দিয়েছেন, সে সম্বন্ধে আমি পশ্চিমবঙ্গের কথা বোলতে পারি,—অতি সামান্যই পশ্চিমবঙ্গের জেলাগুলি পেয়েছে। কেবল ঐ ৫ লক্ষের অধিকাংশ টাকা দ্বারা বরিশালের ছাত্রদের জন্য হোষ্টেল কোরেছেন, কুমিল্লায় হোষ্টেল কোরেছেন,—এবং পূর্ব্ব বঙ্গের ছেলেদের ও মেয়েদের স্কুল এবং কলেজের শিক্ষার stipend দিয়াছেন,—এই সব কোরে খরচ কোরেছেন। পশ্চিমবঙ্গের ছেলেদের কথাই ভাবেন না। তাঁরা খরচ করে যে সব হোষ্টেল করেছেন সে সব হোষ্টেলে ছেলে জোটে কি না তার দিকে লক্ষ্য করার বিশেষ কোন ব্যবস্থা নাই। তাহার জন্য এই সকল জাতির ছেলেদের প্রাথমিক ও মাধ্যমিক শিক্ষায় বিশেষ জোর দেওয়া দরকার। তারপরে রসিক বাবু বোলেছেন যে উনি যে দশ লক্ষ টাকার দাবি এই পরিষদে উপস্থিত কোরেছেন Scheduled Castes ও অন্যান্য অনুন্নত সম্প্রদায়ের শিক্ষার জন্য, সেই দশ লক্ষ টাকা খরচ হোতেও পারে নাও হোতে পারে। কিন্তু তাঁর মনে থাকা উচিত যে প্রদেশে বাজেটের প্রায় ১২ লক্ষের অধিক টাকা লেডী ব্রাবোর্ণ কলেজে মাত্র ৩০টী মুসলমান ছাত্রীর জন্য ব্যয় হয়, সেখানে ২ কোটির অধিক অনুন্নত লোকের শিক্ষার জন্য দশ লক্ষ টাকা খরচ তিনি বেশী বোলে মনে করেন। ইহা যে অতি আশ্চর্য্যের কথা। কারণ এই জাতির বালিকাদের ও মেয়েদের শিক্ষার কথাত চুলয় যাক্ ছেলেদের শিক্ষায় কত প্রয়োজন সে দিকে গভর্ণমেণ্টের নজর নাই। (Mr. A. M. A. ZAMAN : এটা হোচ্চে রসিকদার রসিকতা।) Scheduled Castesদের জন্য গভর্ণমেণ্টের যদি তেমন দরদই থাকতো তা হোলে আমরা অনেক কিছুই দেখতে পেতাম। আমরা লোক মুখে শুনতে পাই এবং খবরের কাগজেও দেখি—এখানে ফজলুল হল্ ও কলেজ হোয়েছে, ওখানে আজিজুল হক কলেজ হোচ্চে কিন্তু দুঃখের বিষয় আমাদের তপশীলভুক্ত মন্ত্রীদের নামে কোথাও একটী হল্ও এমন কি স্তম্ভ পর্য্যন্ত হয় নাই। কি পরিতাপ! (A MEMBER OF THE PROJA GROUP : হবে হবে।) এই কলিকাতা সহর বাংলাদেশের শিক্ষার কেন্দ্রস্থল, এখানে মুসলমানদের শিক্ষার জন্য গভর্ণমেণ্টের খরচায় এবং পরিচালনায় কয়েকটী হোষ্টেল ও স্কুল রয়েছে। কিন্তু Scheduled Castesদের

জন্য কোন বন্দোবস্ত নাই। যা কিছু সামান্য টাকা গভর্ণমেণ্ট দেন হোষ্টেল পরিচালনার জন্য এবং সে টাকা যেভাবে ব্যয় করা হয়—তা আমরা জানি এবং সম্প্রতি বানীভবন (তপশীলভুক্ত) হোষ্টেলের সুপারিনটেনডেণ্টের কার্য্যকলাপ যাহা গভর্ণমেণ্ট তদন্ত করে বাহির করেছেন, তাতে জনসাধারণও জানতে পেরেছে।

তারপর রসিক বাবু যে Scheduled Castes educationএর Advisory Committeeর কথা বোলেছেন সে কমিটি আজ পর্য্যন্ত কিছু কাজই করে নাই। উনি বোলেছেন—একটা পরিকল্পনা পেশ করার কথা, কিন্তু সে পরিকল্পনা কি তা উনি ভালো কোরে বোল্‌তে পারেন নি। যদিও উনি কমিটির একজন হোমরা চোমরা মেম্বার, উনি কিন্তু বোল্‌তে পারেন না কমিটির সুপারিস কার্য্যকরী করার জন্য কমিটির সদস্যরা এবং Special Officer কি চেষ্টা করেছেন এবং বর্ত্তমান গভর্ণমেণ্ট কোন steps নেবেন কি না। গভর্ণমেণ্টের ঐ উদাসীনতার কারণ কমিটি ঠিক প্রতিনিধি-মূলক হয় নাই। Scheduled Castes Special Officer তাঁর বেতন ও কমিটির সদস্যরা যাতায়াত খরচ পেলেই খুসী, শিক্ষার বিষয় দূরে থাক। এখন Secondary education তো দূরের কথা Paimary educationএর জন্যই কোন Scheduled Castes বিশেষ স্কুল প্রতিষ্ঠা হয় নাই এবং যাহা বর্ত্তমান আছে তাহাতে বিশেষ সাহায্যের কোন ব্যবস্থা হয় নাই। Secondary education রসিক বাবু বা অন্যান্য তপশীল নেতারা যারা পেয়েছেন সে কেবল কতকগুলি Caste হিন্দু স্কুল কোরেছিলেন বলেই, পেয়েছেন। সুতরাং বর্ত্তমান Secondary Education Bill যাহা Select Committeeতে গেছে, তাহা পাস হ'লে তপশীল জাতির শিক্ষার অসুবিধা ছাড়া সুবিধা হবে না। উক্ত বিলে উল্লিখিত Scheduled Castes Education Board বর্ত্তমানে Scheduled Castes Education Committee অপেক্ষা আরও খারাপ হবে। এইভাবে এদেশের এক সম্প্রদায় ও কয়েকটী তপশীলভুক্ত লোকদের ছেলেমেয়ে শিক্ষা পেলেই এই অবনত সমাজ কোন দিন উন্নত হবে না।

আর একটা কথা,—Secondary Educationএর জন্য যে টাকা,—যে ৫ লক্ষ টাকা পাওয়া গিয়েছিলো, সেই টাকা যদি equally district by district on population basisএ distributed হোতো তাহলে এই প্রদেশে এই জাতির কিছু উপকার হতো, কারো আপত্তি থাক্‌তো না। কিন্তু গভর্ণমেণ্ট সেরূপ কার্য্য করেন নাই এবং Scheduled Castes Education Committee সেই মত সুপারিশও করেন নাই। তারপরে মজিদ সাহেব আপশোষ কোরে বোলেছেন যে Scheduled Castesরা শিক্ষার জন্য ৫ লক্ষ টাকা পেয়েছে,—যথেষ্ট পেয়েছে! সে টাকা প্রায় দুকোটী লোকের জন্য তিন বৎসর পর্য্যন্ত, খরচ হয়েছে। কিভাবে হয়েছে না হয়েছে এবং তাতে দেশের তপশীল জাতির কি উপকার হয়েছে সে বিষয়ে তিনি খবর রাখেন কি?

আমি আর বেশী সময় নেবো না। আমি শুধু এই কথা বোলে শেষ কোরবো যে রসিক বাবুর মতন লোক যিনি কংগ্রেসের টিকিটে এবং টাকায় নির্ব্বাচিত হোয়ে—কংগ্রেস পার্টি ছেড়ে দিয়ে—কোয়ালিশন দলে গিয়ে ভিড়েছেন, তাঁর নিজের এবং তপশীল জাতির যে তাতে কোন লাভ হবে বলে আমার তো মনে হয় না। বর্ত্তমান মন্ত্রীমণ্ডলীকে তেলই

দিন আর যাই দিন, আসল কথা এই যে ভবি কখনো ভুলবে না এই কথা মনে রাখবেন। Scheduled Castesদের দুঃখে দরদ দেখিয়ে তিনি যদি এই প্রস্তাব এনেছেন Assemblyতে সেটা পাশ করিয়ে নিন্, আমরা সর্ব্বান্তঃকরণে সমর্থন করছি। কোয়ালিশন দলকে সমর্থন করতে বলুন প্রস্তাব প্রত্যাহার করবেন না। অন্ততঃ দশ লক্ষ টাকা যদি এক বছরের মধ্যে গভর্ণমেণ্টকে দিয়ে Scheduled Castesদের শিক্ষার জন্য ব্যয়ের ব্যবস্থা করাতে পারেন—(Mr. Rasik Lal Biswas: তাহলে সবাই যে এ দিকে এসে পোড়বেন।) তাহা হইলে বেশ বুঝা যাবে বর্ত্তমান গভর্ণমেণ্ট তপশীল ও শিক্ষায় অনগ্রসর জাতির উন্নতির জন্য প্রকৃতই ইচ্ছুক আছে, আর তা না করে দায়ে ঠেকে অনাস্থা প্রস্তাবের পূর্ব্বে যেমন ৫ লক্ষ টাকা মন্ত্রীমহাশয়রা বরাদ্দ করেছিলেন গদী বজায় রাখার জন্য এবং সে টাকায় বেশীর ভাগ hostel তৈরীর জন্য ব্যয় হচ্ছে। প্রাথমিক কি মাধ্যমিক শিক্ষার জন্য বিশেষ বরাদ্দ নাই। হোষ্টেলে যারা পোড়বে সেই সব ছেলে তৈরী করেন, তাহোলে Advisory Committeeর আর কোন দরকার হয় না।

শেষকালে একটা কথা বলে যাচ্ছি গভর্ণমেণ্টের এবং রসিক বাবুরও মনে রাখা উচিত, যেহেতু তিনি পুণা প্যাক্টের একজন স্বাক্ষরকারী, যে পুণা প্যাক্টের জন্যই বাংলার ১০ জনের জায়গায় ৩০টি Scheduled Castes সদস্য আইন সভায় স্থান পেয়েছেন। সেই পুণা প্যাক্টের নীতি অনুসারেই তাঁদের চলা উচিত। সেইজন্য তাঁদের স্মরণ কোরিয়ে দিচ্ছি যে, পুণা প্যাক্টে উল্লেখ আছে প্রদেশের রাজস্বের একটা মোটা অংশ তপশীল জাতির জন্য ব্যয়িত হবে। সে কথা কি গভর্ণমেণ্ট এবং কোয়ালিশন দলের সদস্যগণ ভুলে গেছেন, ভুলে যাওয়ার কথাই বটে যাদের প্রয়োজন ডাল ভাতের তারা যদি খুদ কুড়াতে সন্তুষ্ট হয় দোষ তাদেরই, আজ তাদিগকে গভর্ণমেণ্টকে বার বার মনে করিয়ে দিতে হবে পুণা প্যাক্টের কথা এবং আমাদের দাবী। ৫ লক্ষ কি ১০ লক্ষ টাকা Scheduled Castes শিক্ষার জন্য এ ভিক্ষা নয়, ন্যায্য দাবী। আজ জনসাধারণ আর তত অজ্ঞ নাই। এই সমাজ অন্ধকার কূপ থেকে উদ্ধারের চেষ্টা কচ্ছে, আজ তারা জেগেছে, তারা মানুষ হবার জন্য দৃঢ়প্রতিজ্ঞ, বার বার তাদের দাবী উপেক্ষিত হ'লে এই অগণিত উপেক্ষিত জনসমাজ তাদের শিক্ষার জন্য উপযুক্ত দাবী আদায় করে নেবে।

Mr. DHIRENDRA NATH DATTA: Sir, I rise to support the motion that has been moved by my friend Mr. Rasik Lal Biswas. I congratulate him for bringing forward this resolution, and I hope my friend will stick to this resolution. (Cries of "Hear! hear!" from the Opposition Benches.) The communities referred to in this resolution are the most backward communities in the world. Any Government which puts forward its claim to be called a Government must try to raise these communities educationally, economically and socially.

Sir, my friend Mr. Biswas has referred to the fact that Government have made a provision of Rs. 5 lakhs for the education of the Scheduled Caste Hindus. I consider that this amount is too inadequate, and

especially the way in which the amount has been spent shows that the Government are not aware of the real needs of these communities The construction of a hostel is not what is needed. The Scheduled Caste Hindus should be allowed and must be allowed to live with other Hindus—there should not be a separate hostel for the Scheduled Caste Hindus. Any Hindu who objects to the accommodation of the Scheduled Caste Hindus in his hostel must be driven out of the hostel. Whether he is a Brahmin or a Kayastha or a Baidya, if he objects to the accommodation of Scheduled Caste Hindus in the hostel, he must be driven out of the hostel. There should not be a separate hostel for the Scheduled Caste Hindus. Sir, this is a policy which Government have followed in order to divide and rule. They want to create a division amongst the Hindu community which, I for myself, must resist with all my life.

Then, Sir, the Scheduled Caste Hindus must be raised economically. I do not know whether Mr. Rasik Lal Biswas is aware of the fact that unless they are raised economically, it is impossible to raise them socially. They must be raised economically first, socially next, and educationally and politically always. They must be given a political status and for that Mahatma Gandhi, even by risking his life, has been able to give some political status to the Scheduled Caste Hindus. Unless they are raised economically, it is impossible to raise them socially. I know, Sir, and I am fully aware and it pains me to see the poverty of the Scheduled Caste Hindus. In my district—rather in all the districts in the province of Bengal—there are certain schools which have been established under District School Boards, but they are in the areas which are inhabited by rich people. These schools could have been established in areas where the people had come forward to pay for the construction of the huts and for the furniture of schools. I know that in my district there live a number of Muchis in a certain area. They are the most depressed community not only socially, but economically also, and their poverty can better be imagined than described. No schools could be established for them, because they had no money to pay for the construction of huts and furniture for the schools. Primary, secondary, or college education will not help them much; they must be given vocational training, and unless we give them that training we cannot raise them economically. They should also be given agricultural training, and for that they should be provided with lands for cultivation. Unless Government come forward to do that, it is impossible to raise them economically, socially and politically.

I am sure, to these matters, Government have not given the proper attention which they ought to have given. I do not know who is in charge of education to-day. The Ministers present here are absolutely inattentive. They do not care to listen to what has been going on.

What I want to say next is that we the Caste Hindus were guilty in the past. We did not approach the matter with that amount of sympathy and care which it deserved. We must be prepared for *paper prayaschitta*. I say that for this purpose not only Rs. 10 lakhs should be provided, but a much larger sum ought to come from the coffers of Government.

My friend Mr. Majid has said that there is no scheme. A scheme can be prepared in the course of a week. What is necessary is provision for free scholarship, stipends, free studentships. Land in which agricultural training would be given must also be provided by Government. They must be given vocational training. If you shelve the matter, the scheme cannot be prepared in the course of three years, which would only show that Government are not fully alive to their responsibilities in this matter of Scheduled Caste education. Any Government, which claims to be a popular Government, should consider it its first duty to come forward with money for the purpose. We should first, I do not find adequate words, chastise ourselves for our negligence—negligence and carelessness on the part of the Government and on the part of the community to which I belong—for not making arrangements for education of the Scheduled Castes. Time has changed now. If Government are prepared to make amends of their past negligence, they must come forward with money for the uplift of the Scheduled Castes educationally, politically and socially.

With these few words I wholeheartedly support the resolution moved by my friend Mr. Rasik Lal Biswas, and I hope he will stick to it.

Babu MONMOHAN DAS: Sir, the Minister in charge of Education is not here. May we know who is in charge now?

Mr. DEPUTY SPEAKER: Sir Bijoy.

Mr. ANUKUL CHANDRA DAS: I would like to say a few words on this resolution which deeply affects the Scheduled Castes in this province. But before I come to the detailed accounts of what had been done for the Scheduled Castes, I thank on behalf of my group the Hon'ble the Chief Minister for allotting Rs. 5 lakhs for their education. My friends on the other side are objecting to the allotment as inadequate. Mr. Maji has said that only 5 lakhs have been given. He perhaps does not know the history as to how this amount of Rs. 5 lakhs was allotted. That must be stated before any decision can be arrived at. When our group as well as the independent group, in fact, all the members belonging to the Scheduled Castes excepting the Congress were together, a resolution was passed in a party meeting of

the Scheduled Caste members that Rs. 5 lakhs were to be allotted by the Government. Accordingly, my friend Mr. Mon Mohan Das was allowed to move a motion on the subject. Notices of motions had been given not only by Mr. Mon Mohan Das, but also by my other friends and at the instance of the party Mr. Mon Mohan Das was allowed to move it on the floor of the House. This motion was accepted by the Government and we were assured that Rs. 5 lakhs would be allotted and accordingly the full amount was provided in the Budget. My friends opposite cannot now therefore complain why only Rs. 5 lakhs were provided. It was our united demand that Rs. 5 lakhs ought to be provided and the Government had implemented our demand by allotting that amount. The Government not only allotted funds, but also appointed an advisory committee to suggest ways and means for spending that amount and Dr. Jenkins is the head of that committee. A Special Officer had also been appointed by the Government for the education of the Scheduled Castes. It has been said that this committee has done nothing and that it should be abolished. Perhaps my friends do not know the functions and the works of the committee. Therefore, I want to make those things clear before any opinion is formed about that committee. All the groups were represented in that committee and several meetings were held. I am giving the detailed schemes on which this grant of Rs. 5 lakhs was allotted by the committee. In a nut-shell they are:—

	Rs.
Grant for building a hostel for Scheduled Castes at Barisal	30,000
Grant for building a hostel for Scheduled Castes at Comilla	20,000
Stipends to college students	20,000
Building grant to 19 High English Schools ...	75,000
Building grant to 130 Middle English Schools ...	75,000
Special grants to High English and Middle English Schools	50,000

Under "Miscellaneous" the provision is Rs. 20,000. This is the first allotment made and it was sanctioned by Government in January, 1939. The whole amount comes to Rs. 2,90,000. The next grant is additional grant for a hostel at Comilla, Rs. 5,000; stipends to college students, Rs. 20,000; stipends to High English School students, Rs. 72,000 and grants for hostel buildings for schools and colleges, Rs. 20,000. This was sanctioned by the Government on 27th July, 1939. The total is Rs. 1,17,000. The third allotment relates to the supply of slates and books, Rs. 10,000; grants to Scheduled Caste

hostel, Rs. 16,000; stipends to non-stipendiary B.T. students, Rs. 1,080, making a total of Rs. 27,080. Then scholarships for 1939-40, Rs. 7,200; scholarships for 1940-41, Rs. 20,000, making a total of Rs. 27,200. This was sanctioned on 30th January, 1940. The next allotment is additional stipends to college students, Rs. 12,240. This was granted by the Government on 4th March, 1940. Post-graduate stipends, Rs. 1,200; Science and Geographical apparatus, Rs. 8,000, making a total of Rs. 9,200. This was sanctioned on 27th March, 1940. Some allotments have been made which have not yet been sanctioned. These are additional grants for a Scheduled Caste hostel at Barisal, Rs. 2,500; packing and freight charges, Rs. 250; furniture and library grants, Rs. 12,600. The total is Rs. 15,350.

Mr. PREMHARI BARMA: On a point of order, Sir. The question before the House is whether 10 lakhs of rupees would be made a recurring grant, but the question is not about the 5 lakhs already sanctioned by Government and how it was spent. The question is whether a recurring grant of Rs. 10,00,000 will be made.

Mr. DEPUTY SPEAKER: As far as I understood the honourable member, he was simply developing his arguments in support of the resolution.

Mr. ANUKUL CHANDRA DAS: Therefore, Sir, the total amount comes to Rs. 4,98,070, and the balance is Rs. 1,930. That is the amount now left out of the sum of 5 lakhs of rupees. Now, Sir, my friends have said that some amount has not yet been spent. Yes, some amount has not been spent yet, because in case of building grants—anyone who is connected with educational institutions knows it—some time is required because the plans and estimates have to be sanctioned not only by the Executive Engineer, Public Works Department, but it has also to be sanctioned by the Executive Engineer, Public Health Department. Therefore, some time is necessary. In fact, we made a grievance of this in the committee, and we asked the Government to expedite the matter so that one engineer might be appointed instead of two who would sanction all the plans and estimates and the building grants might be spent accordingly. That was the suggestion made by us for expediting expenditure of our building grants.

Mr. ATUL CHANDRA SEN: What is the amount remaining unspent?

Mr. ANUKUL CHANDRA DAS: As I said, the balance unspent is Rs. 1,930. Practically the whole of the amount allotted has been exhausted. Now, this is, Sir, what has been done by the committee and

further the committee has made a comprehensive scheme covering the whole field of Scheduled Caste education. This scheme is now before the Government and the Government will consider the matter and give their decision without delay. Our grievance is that after this allotment of 5 lakhs unless further allotments are made by the Government, we shall be in difficulty, because we have been paying stipends to our college and school students who have no other source of pecuniary help. Now, the students who are getting stipends—suppose they are now reading in the 2nd year or 4th year classes—will be in difficulty if their stipends are suddenly stopped. Having got stipends in the 1st year and 3rd year classes, unless they continue to receive the same in the 2nd and 4th year classes, they will find themselves quite helpless. Therefore, we want that the Government, in their Supplementary Budget, should provide further funds for the education of the Scheduled Castes. In fact, at the last meeting of the Scheduled Caste Education Committee on the 16th July last, we made a proposal that permanent grants should be made for the education of the Scheduled Castes. The total demands for permanent provision according to the resolution of the committee are:—Stipends for college students, Rs. 40,000; stipends to school pupils, Rs. 72,000; grant-in-aid to secondary Scheduled Caste schools, Rs. 1,03,740; post-graduate stipends, Rs. 1,440; stipends to B.T. students, Rs. 1,080; making a total of Rs. 2,18,260. We want a further grant to Scheduled Caste hostels which amounts to Rs. 30,000. So, our present demand is that permanent provision should be made for Rs. 2,50,000 for the present for the education of the Scheduled Castes, before the comprehensive scheme as made by the Scheduled Caste Education Committee is considered by Government. We, therefore, request the Government to allow sufficient funds in their Supplementary Budget; otherwise, our students will go without any stipend and our High English Schools and Middle English Schools will be without any grant and some of them will have to close their doors in consequence. Our hostels so long receiving grants from the Government, will not in that case have funds to accommodate the students. My friend on the other side, Mr. Dhirendra Nath Datta, says, "Why do you ask for separate hostels?" I would only give him a short example to convince him why we ask for separate hostels and how we are now working under great difficulties. You know, Sir, that after the allotment of funds for the Scheduled Caste education, a comprehensive scheme was made by Dr. Syamaprasad Mookerjee—and our thanks are due to him, for allotting certain seats in every college hostel for the Scheduled Caste students and accordingly some provision was made for the same. But what do you think has been done by the premier institution at Calcutta —I mean the Presidency College—in regard to their attached Eden Hostel? In that hostel, Sir, the university asked them to provide 4 seats for the Scheduled Caste students free. What they told us in

reply was that they were prepared to accommodate our students, but they must be accommodated on the ground floor of the Eden Hostel. We objected to this. In fact in our committee we passed a resolution objecting to the arrangement. We might not object to the Scheduled Castes being accommodated on the ground floor, but that if the ground floor was earmarked for us then we would certainly object to it. We could not agree to our community being treated like this and accommodated in the ground floor. That is how, Sir, we are being treated. It is for that reason that we want separate hostels without any connection with other communities. For, there is no reason why the Scheduled Caste students should live on the ground floor of the Eden Hostel, while the Caste Hindu should be living on the upper floor. It is for that reason we want separate hostels and, in fact, there was a resolution of the committee demanding Rs. 1,50,000 for building a hostel at Calcutta and if this demand is accepted, our students can come to Calcutta and stay here for the purpose of their education. In the mufassal also we shall have to provide hostels for them. For, without hostels they will be in great difficulty there. Therefore, in mufassal districts like Barisal and Comilla, we have provided hostels for the Scheduled Castes. In fact, we have made it a condition that whenever there will be a demand for a hostel and the same is exclusively occupied by the Scheduled Caste students, provision will be made for it by the committee for financial help. This is how the committee is proceeding. But I have already submitted how we are in difficulties. The allotment of Rs. 5 lakhs is now exhausted and unless further funds are provided in the Supplementary Budget, we will be put to great difficulties. Our students will have to be without any stipend; our schools and colleges, without any aid and our hostels also will have to be without any grant and will have, therefore, to be closed. Therefore, Sir, we ask the Government that before they consider the comprehensive scheme as made out by the committee, they will kindly consider the position of Scheduled Caste education in this province. They must provide sufficient funds so that we may be relieved of our present difficulties. With these words, Sir, I support the resolution before the House.

Kazi EMDADUL HAQUE: Sir, we do not grudge our Scheduled Caste friends getting Rs. 10 lakhs or even 20 lakhs for the educational advancement of their children. They are certainly backward—backward not only in the matter of education but in every other respect. If Government can spend lots of money for the education of the Scheduled Caste people, we have nothing to grudge, rather we shall be very glad to see that they are brought up on a par with other people in the province, that is with their fellow-brethren—Hindus, Muslims and others. But I do not understand how my friends accuse the Government for not giving any opportunity for the education of their

children. How can this Government or any Government for that matter be made responsible for it? They may to a certain extent be responsible for not giving suitable facilities for higher education, and for not giving adequate stipends and scholarships or for not providing hostel or boarding accommodation. But it is difficult to see how Government have stood in the way of the education of their children from the very beginning. So far as the primary education is concerned, there is a network of *pathsalas* in the villages, and there are ample opportunities for sending Scheduled Caste boys to those schools for education. If their children do not get any primary education, it is due to the negligence on the part of the Scheduled Caste people themselves. The whole trend of the speech of my friend Mr. Rasik Lal Biswas, the mover of the resolution, has been that the educational progress of the people has been retarded on account of the fact that facilities have not been given to them in the shape of educational institutions exclusively for themselves.

Babu MADHUSUDHAN SARKER: No, no. He did not say that.

Kazi EMDADUL HAQUE: Mr. Biswas said that he wanted primary schools for the Scheduled Caste people, and he also said that he wanted secondary schools for the Scheduled Caste people.

Mr. MONOMOHAN DAS: Not exclusively for themselves.

Kazi EMDADUL HAQUE: Yes, as far as I could follow his speech that was what he said. If that be his intention then, of course, it is not possible to provide schools exclusively for the education of the Scheduled Caste children. The Scheduled Caste boys may read in the same schools in which other boys read. The schools must be cosmopolitan in every respect not only in respect of education but also in respect of boarding. My friend Mr. Dhirendra Nath Datta has said that there should be one boarding house common to all castes and communities. I go further and say that the boarding house must be on a cosmopolitan basis. It should be not only for Hindus but also for Muslims without any distinction whatsoever.

Mr. SYED JALALUDDIN HASHEMY: Also for male and female.

Kazi EMDADUL HAQUE: Yes, for male and female with necessary safeguards. The boarding house should be thrown open not only to Caste Hindus, Scheduled Caste people, Muhammadans and others but also to both the sexes, male and female. It has been said that the Scheduled Caste students have been offered seats on the ground floor

of the Eden Hostel. Surely, we do not want that they should be given seats on the ground floor. That is not right. If that is done, we won't brook it. I do not know under what circumstances seats on the ground floor were allotted to the Scheduled Caste students. It might be that there was no accommodation on any of the other floors, and that therefore they were offered seats on the ground floor. But, if it is said that because they are Scheduled Caste students therefore they should occupy seats on the ground floor, then of course it is objectionable. Not only should they object, but we will also join them in their condemnation. We cannot brook such an idea. In these days of democracy, we must be cosmopolitan in every respect, in respect of food, drink, education and everything. And to break the caste barrier, we want that our Scheduled Caste friends should not lag behind in the matter of education. They must keep equal pace with Muhammadans and with other people. We want that we should all combine in such a way as to form one nation in India. So, if this 10 lakhs is not enough and more money is needed, we must provide as much money as is needed for the uplift of the Scheduled Castes. The money must be found by Government. It is but meet and proper that our Scheduled Caste brethren should be given enough opportunities to educate their children so that they may take their due share in the administration of the country. And when there is unanimity in this matter, I hope that my friend will stick to his resolution and not withdraw it. It must be put to vote to test your *bona fide*. With these words, Sir, I support the resolution of my friend Mr. Rasiklal Biswas.

Babu KSHETRA NATH SINGHA: Mr. Deputy Speaker, Sir, I am here not to wail over the issue like my friend Mr. Rasik Lal Biswas; nor I am here to sing hallelujahs like my friend Mr. Anukul Chandra Das. I am here only to place the grievances of the Scheduled Castes before the House for their sympathetic consideration. Our grievances run to millions. We cannot count how many grievances we have and we don't know what redress the Government can give. The Chief Minister is not here. The Education Minister for whom all these speeches are made vainly by my friends is not here. Mr. Rasik Lal Biswas, th mover of the resolution, wants something to fall from the sky, and I fear the sky will send the bolt to him. He has asked for 10 lakhs of rupees for the uplift of the Scheduled Castes. When all the members of the Scheduled Castes joined and worked together, they were able to get at least some of their grievances redressed at the cost of 5 lakhs. My friend Mr. Rasik Lal Biswas had told the House about our grievances and said something about bargaining. Does he understand what is bargaining in this world? Unless and until we are strong enough to exert our influence and get things for ourselves, we cannot have anything in this world. It is no good asking for

anything without solidarity in our ranks and without any strength, without any set purpose and without any joint action. Nothing can be gained in this world without that. My friends must be aware of the fact that there were days when we were all united and could get our grievances redressed as we asked: Why are we in difficulty for bargaining purposes? Because we are not united. Some of us are here, some of us are there, and some of us are everywhere. This sprinkling is a shameful thing for the Scheduled Castes. The other communities are working together amongst themselves and are trying to get as much money as they can for their own uplift. But what are we, Scheduled Castes people, doing here, friends? We cannot unite, we cannot work together. Let us be united once for all and put forward our united demand and then let us see whether Government have sufficient courage to withstand our demand. We are the most miserable lot, because we cannot unite and we cannot work together for our own people. I would ask my friends on the other side, unless and until they realise the real position of things, how can they expect to bargain successfully? Unless we unite, we cannot have anything and we are doomed, as we have been in the past, and shall ever remain in that damned condition. This is our position, friends. During the past three years and a half or more the present Government had got sufficient time to think over the matter, but they did not do anything. How can we expect to get our grievances redressed by Government unless we unite? Instead of trying to get united, you are only sending your wailings to heaven. That won't do, my friends.

The Hon'ble the Chief Minister is not here to answer my friend Mr. Rasik Lal Biswas, but I am answering for him. (Laughter.) My friend wants primary education, the much needed thing for the uplift of the Scheduled Castes.

Sir, every one is by this time sufficiently aware how these Scheduled Castes were created. They were created at the instance of some outsider apparently for the benefit of those backward people for whom nobody cares. It was done automatically without any instinct. It was done to give some advantage to us, but in the end nothing has been given to us. Sir, this is the condition. What was the purpose of creating this division amongst the Hindus—this vivisection of the Hindu community? Sir, 76 castes are called Scheduled Castes people, but there are many more. There are only 31¼ lakhs of people—Brahmins, Kayesthas and Baidyas—who are properly called educated and enlightened people, all the other uneducated and backward people may properly be classes amongst the Scheduled Caste people, but only 76 castes have been included among the Scheduled Caste people.

Sir, the report of the Franchise Committee—the final report of the Parliament—recommended that something must be done for the uplift of these communities. They also recommended that some Ministerships should be given to them. But unfortunately, although we have got two Ministers, they are doing nothing for us. They are serving themselves and serving their own people at the cost of the community.

Sir, educational facilities were also recommended to be given to the Scheduled Castes people. But how far that has been fulfilled, everybody is aware. Sir, we demanded that Rs. 5 lakhs should be given every year for the purpose of spreading education amongst the Scheduled Castes, though that was given once most unwillingly, is not going to be renewed.

(At this stage the House was adjourned for 20 minutes.)

(*After adjournment.*)

Babu KSHETRA NATH SINGHA: My friends want not only primary education, but compulsory education for the uplift of the Scheduled Castes, but may I ask how far the Government have advanced with the scheme already prepared? I submitted a memorandum of about 40 pages in two instalments to Government giving my suggestions. I have spent 25 years of my life for the uplift of my community, and I know where the shoe pinches. The fate of our community has not improved much. The Special Officer had not the time to go through my memorandum and see if the suggestions made therein were acceptable. I suggested that primary education must be introduced without delay and at any cost. When I was a member of the former Council I placed my views before it, asking for the introduction of primary education for the Scheduled Castes, and, if necessary, we were prepared to pay taxes if Government could not themselves find money for it. But no attempt has been made by Government to introduce primary education, not to speak of compulsory education. The other day Government came in with a Secondary Education Bill. Primary education has been shelved, and I do not understand of what use secondary education will be to our community. I say, "Give us a mere knowledge of ক, খ, গ" first of all and not "A, B, C". We could not support the Secondary Education Bill, because it was of no use to us, although my friends opposite seem to be very jubilant over it. From our experience in the affairs of the Calcutta Corporation we know that although we have got 7 seats there, 4 elected and 3 nominated, they are of no use to us. It is something like giving with one hand and taking with another. Recently in the Corporation 3 took one side and 4 another and so they could do no good to our community. This will be the case also in connection with the

Secondary Education Board. I know who will be the fortunate few, but I do not grudge them that honour. I only want the welfare of my community and not only a few reserved seats for a favoured few. I say that so far Government have done practically nothing in the way of giving education to the Scheduled Castes. Ninety-nine per cent. of our people are agriculturists. They ought to be taught how to cultivate their land properly on scientific lines, but Government have done nothing in that direction.

My friends Mr. Dhirendra Nath Datta and Kazi Emdadul Haque suggested that there was no harm in our boys reading in madrassahs and maktabs. Personally I have no objection. I am prepared to go to the devil and to hell for the uplift of my community!

My friends Mr. Dhirendra Nath Datta and Kazi Emdadul Haque said something about special hostels for Scheduled Caste students. I have not the least hesitation in declaring publicly that we do not want separate hostels for our boys. I am willing so far as to allow our boys to live in Muslim hostels having separate kitchens provided for them. Up till now the question of untouchability has not been raised in the hostels at Rangpur College; there the Haris live with other students with the permission of the Principal. My Coalition Scheduled friends may think otherwise, but I am very strongly against the provision of separate hostels for the boys of our community. For the down-trodden condition of our people we have to blame ourselves for this separatist mentality of living aloof from other advanced communities. If our community wants to live, it should live like men in competition with the world conditions. They must live with others on equal terms and always strive to be on an equal footing with others in every sphere of life. That is the view I take, Sir. My friends are clamouring that Government is very unmindful of the conditions of the Scheduled Castes. Sir, we are willing to support and I support the proposal that has been put forward by Mr. Rasik Lal Biswas, but may I ask him if he has got the courage to go with us in the lobby wherever we go? Sir, he has not got that courage. We expect and expected till now that my friends will realize the difficulties of our community. We must live together and die together. If we want to live we must live united. That is my sole and one advice which I press on my friends here. We can support the sponsor of the resolution Mr. Rasik Lal Biswas, but most probably at the end he will rise and say—Sir, I withdraw my resolution (Loud laughter.) and all is lost.

(Here the member having reached the time-limit resumed his seat.)

Mr. SYED MUSTAFAWSAL HAQUE: Mr. Deputy Speaker, Sir, I wholeheartedly support the resolution Mr. Rasik Lal Biswas has brought forward demanding that a certain amount should be set apart

for the education of the Scheduled Caste people. Sir, as one coming from a district where 40 per cent. of the population are members of the Scheduled Castes, it is my duty to say something on a resolution like this. Mr. Deputy Speaker, in my district the Scheduled Caste people are very backward in education. Of course, we have got our Ministers in our district; we have our Councillors, we have got our M.L.C's., but the average Scheduled Caste people are very backward in education and are also very poor. It has been said by one of my friends from the Opposition that it is the Government who by providing separate accommodation for Scheduled Castes have divided the Hindus into two separate groups. Sir, I vehemently oppose this charge against Government, because it is not the Government that have divided the Scheduled Castes from the Hindu community by accommodating them in separate hostels. It is the Caste Hindus, it is the rigidity of the caste system of the Hindu community that is responsible for this. As a student of the Brojomohan College and a student of the Dacca University, I know how the Scheduled Caste students are subjected to various disadvantages, and in my district there are two colleges, namely, the Daulatpur College and the Bagerhat Prafulla Chandra College, where such is also the case. As a student of the Bagerhat College also, I can give you a bit of my personal experience of the treatment meted out to the members of the Scheduled Caste community. In my district, in the Bagerhat College there were three hostels for Muslims, Scheduled Castes and the Caste Hindus. But the hostel provided for members of the Scheduled Castes was utilised after one year by the Principal of the College on the ground that no sufficient number of Scheduled Caste students were available. Now the number of Scheduled Caste students there are about 40 to 45 and they are now residing in a *kutcha* structure. During the rainy season they cannot live there. They have no kitchen even. Sometimes they have to go without food because their food is to be cooked on the verandah, which becomes wet during rain! Sir, this is the state of things existing there, and this state of things is due to the absence of any Scheduled Caste member on the governing body of the college. The same state of things also exists in the Daulatpur College where the members of the Scheduled Castes and Muhammadans are not even allowed to reside within the college compound. Sir, it is said that the college is dedicated to God, and it is for this reason that the Scheduled Caste people are not allowed in the college compound. If this is the state of things existing in the country, how is it fair on the part of the members of the Opposition to say that it is the Government who is responsible for dividing the Hindu community, by providing separate hostels for the Scheduled Caste community? It is only in response to the legitimate demands of the Scheduled Caste people that separate hostels are built for them. In my district there are 25 Middle English Schools established and

financed in a Scheduled Caste area and three or four High Schools established and managed by Scheduled Caste people. They received no grant-in-aid last year. During the flood some of the institutions were severely damaged, but Government could provide out of this 5 lakhs allotted for the Scheduled Caste education some amount for the repair of the schools. But the condition of these institutions is extremely bad for financial difficulties.

Therefore, Sir, I wholeheartedly support this resolution, because I feel that the demand of the Scheduled Castes is fair, just and legitimate.

Mr. NIKUNJA BIHARI MAITI: আমরা কংগ্রেস তরফ থেকে—Coalition Party থেকে যে সমস্ত প্রস্তাব আসে, প্রায়ই তার সমর্থন কোরতে পারি না। তার প্রমাণ হোচ্ছে সেদিনকার Secondary Education Bill, তার আগেকারও বহু প্রমাণ আছে। কিন্তু আজকে Coalition Partyর একজন সভ্য রসিক লাল বিশ্বাস মহাশয় (Laughter) যে প্রস্তাবটা এনেছেন এ প্রস্তাবটা আমরা সমর্থন না কোরে পারছিনে। এবং Coalition Partyকে এবিষয়ে congratulate কোরতে পারি যে সেই পার্টির তরফ থেকে তাঁদের একজন মেম্বার এই রকম প্রস্তাব কোরতে পেরেছেন; এটা খুব আনন্দের বিষয় যে Coalition Partyর এরকম ধরণের একটা প্রস্তাব আন্‌বার সম্মতি আছে কাজেই আমরা আশা কোরতে পারি যে, এই প্রস্তাব হাউসে সর্ব্বসম্মতিক্রমেই গৃহিত হবে।

এসম্বন্ধে আমি দু' একটা কথা বোলবো। গভর্ণমেণ্ট কিছুকাল পূর্ব্বে ৫ লক্ষ টাকা sanction কোরেছিলেন Scheduled Castes ছেলেদের লেখা পড়া শিক্ষার জন্য। এই ৫ লক্ষ টাকা যে গভর্ণমেণ্ট sanction কোরেছিলেন, সেও আজ প্রায় তিন বৎসর হোয়ে এলো। এখন কথা হোচ্ছে এই যে যদি কম কোরে খরচ করা যায় তাহলে এই পাচ লক্ষ টাকা ফুরাতে পাচ কিম্বা দশ বছরও লেগে যেতে পারে। গভর্ণমেণ্ট কর্ত্তৃক একটা টাকা sanction হোলো বটে কিন্তু সেই টাকাটা যদি খরচ করার মতলব না থাকে তাহলে সেটাকে পাঁচ বছর কেন দশ বা কুড়ি বছর পর্য্যন্তও সহজেই টেনে নেওয়া যায়, আর লোকের কাছে বলাও চলে যে আমরা Scheduled Castesদের শিক্ষার জন্য ৫ লক্ষ টাকা ব্যয় কোরছি। কাজেই রসিক লাল বাবু যে প্রস্তাবটা এনেছেন—that rupees ten lakhs be sanctioned and spent by the Government every year, এই every year কথাটা থাকা আমার মতে বিশেষ প্রয়োজন। এবং প্রত্যেক বছর শিক্ষার জন্য যা খরচ হবে সেটা আমাদের দেখাতে হবে। নৈলে ডান হাত দিয়ে যা দেওয়া যাবে সেটা ফের্ বাঁ হাত দিয়ে টেনে নেওয়া হবে। এই যে policy এটা চোল্‌বে না।

আমার বন্ধুরা যাঁরা এ Houseএ রোয়েছেন তাঁরা অনেকেই বলেন যে হিন্দুরা উচ্চ শিক্ষিত—তাঁরা অনেককাল ধোরে ইংরেজী শিক্ষার আস্বাদ পেয়েছেন, এবং সেই কারণে তাঁরা অনেক উচ্চপদ অধিকার কোর্‌তে পারেন এবং সেইজন্য তাঁদের তাঁরা

খানিকটে superiority দেন। কিন্তু তাঁরা হিন্দুদের যে superiority দেন সেটা হিন্দুদের মধ্যে অতি অল্প শ্রেণীর লোকের মধ্যেই আবদ্ধ রোয়েছে। কিন্তু একথাটা তাঁরা যেন ভুলে না যান যে হিন্দুদের মধ্যে যে প্রায় দু কোটি Scheduled Castes এবং backward classes রোয়েছে—তাঁরা মুসলমানদের থেকে শিক্ষায় উন্নততর নয়। কাজেই তাঁরা যখন এই charge করেন যে—তোমরা হিন্দুরা বহুকাল ধোরে শিক্ষা লাভের সুব্যবস্থা পেয়েছো এবং ইংরেজী শিক্ষার প্রভাবে প্রভাবান্বিত হোয়ে উচ্চ শিক্ষিত হোয়েছো, আমি তখন তাঁদের বোল্‌তে চাই যে এটা তাঁদের ভুল ধারণা। অবশ্য যাঁরা topএ আছেন—তাঁদের পক্ষে এটা সত্য হোতে পারে। নৈবেদ্যের সবচেয়ে উপরে অবস্থিত সন্দেশের পক্ষে যাহা সত্য বা সম্ভব হোতে পারে—সেটা নৈবেদ্যের নীচেকার চালের বেলায় খাটে না। কাজেই রসিকলাল বাবু যা বোলেছেন—এই দশ লক্ষ টাকা Scheduled Castesদের এবং politically backward classএর শিক্ষার জন্য প্রত্যেক বছর খরচ হোক—এই প্রস্তাবটা আমরা সর্ব্বান্তঃকরণে সমর্থন না কোরে পারি না। এবং আশা করি এটা হাউসে সর্ব্বসম্মতিক্রমে সমর্থিত ও গৃহীত হবে।

Mr. BANKU BEHARI MANDAL: Mr. Deputy Speaker, Sir, I rise to support the resolution of my friend Mr. Rasik Lal Biswas. Much has been said about the deplorable condition of the Scheduled Castes in the matter of education. I would only say a few words regarding the education of Scheduled Castes in Western Bengal. We all know that the Scheduled Castes people in Western Bengal are scattered in different villages. They do not live compact in villages as they do in Eastern Bengal. Now, Sir, the committee has passed a resolution to the effect that only schools in which there are 50 per cent. Scheduled Caste students will get grant from Government out of this Rs. 5 lakhs. In Western Bengal, it is very difficult to find a single school having 50 per cent. of the students who belong to the Scheduled Castes. Some of us submitted a petition to the president of the committee stating that in our part of the country it would be difficult to find a single school managed entirely by the Scheduled Caste people or with 50 per cent. of students belonging to the Scheduled Castes and that therefore in those cases free studentships should be granted to the Scheduled Caste students. But our petition was thrown into the waste paper basket. Most of this sum of Rs. 5 lakhs has gone to Comilla, Barisal and other districts in Eastern Bengal. You will be surprised to learn that in the district of Burdwan only a sum of Rs. 200 was granted and about Rs. 100 in the district of Birbhum. I have mentioned this in order to bring to the notice of members of this Assembly that this is the present state of things in Western Bengal.

There is also another point to which I would like to draw the attention of the House. The stipends are not given to students in time with the result that their names are struck off the rolls. Most of the poor students take their admission on the understanding that they

will get stipends, but there is no knowing when they will get their stipends. Last year the grants were given after 6 or 7 months. It is very difficult for poor boys to continue their studies without the receipt of these stipends. I know of several cases in Western Bengal where the names of students were removed from college registers. (A voice: "Why?") Because they did not get their stipends in time. That is the arrangement of the Special Officer. That is the arrangement of the committee members.

Now, Sir, when the sum of Rs. 5 lakhs was granted for the education of Scheduled Castes, we thought that Government would provide for a recurring grant of a like sum. Though a large amount of money is granted for the education of other communities no grant is given to our community. The sum of Rs. 5 lakhs only was granted three years ago. It is very insufficient. No special scholarships have been granted for the students of our community. Government say that they are going to make arrangements for the uplift of our community and for the education of boys belonging to our community, but in practice we find nothing has been done. As my time is very limited, I do not want to dilate on the points already dealt with by previous speakers. But I would appeal to the Hon'ble Education Minister to take into his consideration the needs of our community.

With these words, Sir, I support the resolution of my friend, Mr. Rasik Lal Biswas.

Rai Bahadur JOGESH CHANDRA SEN: Sir, I have been desired by the members of my group to accord my whole-hearted support to this resolution. Those who are educationally backward deserve all encouragement. May I suggest that if we bring all classes and communities to the same level, then all this distrust and all this jealousy will vanish like anything? With these words, Sir, I support the resolution, and I hope that Government will give effect to it.

Mr. PUSPAJIT BARMA: Mr. Deputy Speaker, Sir, much has been said about the Scheduled Caste education grant by very many of our honourable and stalwart members. Some have spoken very lightly, some have spoken seriously, some have spoken with tears in their eyes and some smiles on their faces. But nobody has said a word as to what is the need for this Scheduled Caste education grant. That is a point which I should like to impress upon the Government. Sir, though the Scheduled Castes people are sailing in the same political boat, still they are not members of the same community and of the same social status. The Scheduled Castes themselves are composed of different communities. They have got their different grievances. So, I cannot say that the money should be spent in this way or that way. There are places where Scheduled

Castes hostels are really needed and there are also places where hostels are really not needed. The question is therefore not whether we shall spend the money on hostels or on stipends for students or on grants to schools. The question is how with the help of the Government grant, education can be spread amongst the Scheduled Castes as a whole. Whenever I think of the conditions of the Scheduled Castes, the first thing that strikes my mind is the lack of education. And the lack of education is the root cause of all the distressed condition of the Scheduled Caste people. Want of education is the cause of their want of political advancement, want of education is the root cause of their economic disadvantage and distress, and want of education is the main cause of social sufferings. Though the Hon'ble Chief Minister is not present to-day, I know he is fully aware of the grievances of the Scheduled Castes more than anybody else in the Cabinet. Sir, I support whole-heartedly the resolution moved by my honourable and stalwart friend Mr. Rasik Lal Biswas.

In this connection, I should like to say that we are not here to discuss whether a division among the Hindus had been made by Government or by the Government of India Act, 1935, and whether such a division would bring or would not bring to us any benefit. That is a question entirely for the Scheduled Castes themselves. The question before the House is the grant of money by Government for the education of Scheduled Castes. Sir, I think that it is useless for my honourable friends to quarrel amongst themselves as to how the money should be spent. I want my friends to remember that it is not now a question of spending money, but a question of getting money from Government. We claim it by the statutory right which the Poona Pact gave to the Scheduled Castes people. With these words, Sir, I support the resolution moved by my friend, Mr. Rasik Lal Biswas.

Mr. UPENDRANATH EDBAR: Sir, I rise to support——

Mr. ATUL CHANDRA KUMAR: Sir, the question be now put.

Mr. DEPUTY SPEAKER: Let him finish. He will finish in five minutes.

Mr. MONMOHAN DAS: On a point of order, Sir. My friends of the Coalition Party, belonging to the Scheduled Castes, are anxious to speak, but we on this side are much more anxious to speak because it is our duty to express our views on this important matter which concerns us so vitally. So we must be allowed opportunities to speak.

Mr. DEPUTY SPEAKER: I will see to that.

Mr. UPENDRANATH EDBAR: Sir, I rise to support the motion moved by my honourable friend, Mr. Rasik Lal Biswas.

Sir, considering the backwardness of education and the poverty prevailing among the Scheduled Castes, this resolution is a most reasonable one. Three years back, Government sanctioned 5 lakhs of rupees for the advancement of learning among the Scheduled Castes. This sum has well nigh been exhausted. So, if the motion for Rs. 10 lakhs be not considered and accepted by the Government, our students will have no means to prosecute their studies any further. So, I request the Government to supply this money for them.

Sir, there are at least 70 or 75 castes which have been included in the Scheduled Castes. The amount of Rs. 5 lakhs is thus not at all sufficient for the purpose of our education. So it is most reasonable that the amount of Rs. 10 lakhs should be granted.

Sir, our cause is the cause of the people of Bengal. If our cause is not considered sympathetically by you all, I am sure the national cause of Bengal—nay, India—will be deferred. The grant of Rs. 5 lakhs sanctioned by Government has rendered a great service to the Scheduled Castes in the matter of education. I am sure if our education proceeds at this rate, in future, we shall see bright days and we shall be able to compete with other castes in point of education.

Sir, my friend Mr. Kshetra Nath Singha said that we have ruined our cause by our disunion. I say, if he understands this, why does he not come to our side? (Laughter.)

Sir, in conclusion, I say, Muslims have money for the education of their boys and girls. They have money for their hostels. But we also belong to the same province. So why should we not have our share from the Government exchequer in the matter of education?

Then, Sir, I would like to give reply to my friend Mr. Banku Behary Mandal. He says that most of the sum of Rs. 5 lakhs has been spent for the education of the Scheduled Caste pupils in Bakarganj and Comilla. I say, if this money has been spent for Bakarganj and Comilla, it has been spent for the Scheduled Castes inhabiting those places. In Bengal there are 70 castes included in the Scheduled Castes. The number of High Schools and other educational institutions in Bakarganj and Comilla is very high in comparison with that in other districts. So the amounts sanctioned for these two districts by the Committee of the Government in connection with Scheduled Castes' education are reasonable. Sir, I say that Government have not been inconsiderate or unreasonable in awarding larger funds for these two districts, because they deserve it.

Sir, in West Bengal, the number of schools is very small, and Rs. 10,000 has been sanctioned for the education of *mehtars, muchis, dhangars*——.

Dr. NALINAKSHA SANYAL: Sir, I move that the question be now put.

Mr. SPEAKER: What I feel is that it will not be possible to finish the resolution regarding compulsory military training. Moreover, Mr. Sasanka Sekhar Sanyal is absent to-day. He may be given an opportunity to move his resolution on the next day.

Dr. NALINAKSHA SANYAL: Sir, you may put this resolution to vote at a quarter to eight.

Mr. SPEAKER: I want to close this debate and then adjourn the House, taking up the resolution on military training the next day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, I congratulate my friend Mr Rasik Lal Biswas on the unanimous support that his resolution has received from all sections of the House.

Sir, Government have every sympathy with the principle underlying this resolution. As has been stated by several of the speakers, Government did grant Rs 5 lakhs in the Budget of 1937-38 as a capital grant for the improvement of Scheduled Caste education. That money could not be spent because there was no scheme on which the money could be actually spent.

Babu KSHETRA NATH SINGHA: May, I know, Sir, whose duty it is to frame a scheme?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, will Mr. Singha kindly allow me to continue uninterrupted? He had his opportunity, and nobody interrupted him when he gave his oration.

Mr. SPEAKER: Because his was interesting and yours is not! (Laughter.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is true.

Sir, Government therefore appointed a Scheduled Castes Education Advisory Committee with several representatives of the community on it and with Dr. Jenkins as Chairman and a Scheduled Caste officer as Secretary of the committee. The committee went into the whole problem very carefully and have submitted a valuable report. The committee, as a matter of fact, has dealt with practically all aspects of the problem, namely, they have dealt with primary education, secondary education, college education, technical education including medical education, engineering education, education in the Veterinary College, in the survey schools, in art schools, in weaving schools, in

Agricultural College, in training colleges for teachers, in the Commercial Institute, and they have also made valuable suggestions about the granting of stipends and establishment of hostels for Scheduled Caste students. Some of the speakers alleged that the money that was provided in the Budget, viz., Rs. 5 lakhs, was not actually spent. This is not a fact. Out of Rs. 5 lakhs, Rs. 4,98,017 has been actually allotted and spent. That sum has been spent year after year on different items of expenditure. (DR. NALINAKSHA SANYAL: In three years.) For instance, in the year 1939 a grant of Rs. 33,000 was made for the Scheduled Caste students hostel at Barisal. (DR. NALINAKSHA SANYAL: That is a political matter.) A grant of Rs. 20,000 was made for a similar hostel in the district of Comilla. For stipends to college students a sum of Rs. 20,000 was granted; building grants to High Schools to the extent of Rs. 75,000; for another building grant to Middle English Schools the same amount of Rs. 75,000 was provided; special grant to High English and Middle English Schools, Rs 50,000 and Rs. 20,000 respectively. So in 1939 altogether Rs. 2,90,000 was spent—

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. The same list of figures has been quoted by Mr. Anukul Chandra Das. Are we here to hear the repetition of the same line by line?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not yield. That is not a point of order.

Mr. SPEAKER: If I have to shut out because a member repeats what another member has said, then I do not know how many speakers I will have to shut out. All I say is that if you are really serious about this resolution, you ought to hear patiently what Government have got to say. If you do otherwise, then I will take it that you are not really serious about it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In July, 1939, Government sanctioned the following grants, namely:—

Additional grant for a hostel at Comilla, Rs. 5,000. Stipends to college students, Rs. 20,000. Stipends to High English Schools students, Rs. 72,000. Grant for hostel buildings or schools and colleges, Rs. 20,000. That is, altogether Rs. 1,17,000 was granted in July, 1939.

In 1940 Rs. 10,000 was granted for supplying slates and books. Grants to Scheduled Caste hostels, Rs. 16,000. Stipends to school students, Rs. 1,080. Altogether Rs. 27,080 was spent in 1940.

Thus in three years' time out of Rs. 5 lakhs, as much as Rs. 4,98,017 has already been allotted and spent.

Babu KSHETRA NATH SINGHA: How much for your own district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not allot money according to district, but according to the needs of a particular area. Government have allotted this money not on political consideration, but for the advancement of educational facilities for the students of the Scheduled Castes.

My friend Mr. Anukul Chandra Das who is a very valued member of the Scheduled Castes Education Committee mentioned, and very rightly mentioned, I should say, that there would be serious difficulties if an additional amount was not sanctioned for the payment of stipends, because the whole amount has been practically exhausted and the students who are in the I.A. and I.Sc., and B.A. and B.Sc. Classes would not be able to complete their education if an additional sum is not granted for the purpose. Government undertake to find money by reappropriation, if necessary. There will be no difficulty about funds. I can give this assurance on behalf of Government to my friends of the Scheduled Caste community.

Another important point has been raised by the mover of the resolution, namely, that facilities should be given to the Scheduled Caste students for free primary education. My friends are aware that Government have been proceeding with the free primary education scheme, and the Primary Education Act has been brought into operation in as many as 13 districts out of 26, and students of the Scheduled Caste community will, I am sure, receive adequate facilities from the location of schools in the areas where they predominate in number.

The next point that was raised by the honourable mover was the inadequacy of the representation of the Scheduled Castes on the District School Boards. Government will certainly look into this question, and they wil try to remove the deficiency of Scheduled Caste representation at an early date.

Babu Kshetra Nath Singha made it a grievance that he submitted two very valuable memoranda to the Special Officer in charge of the Scheduled Caste education and remarked that he had not even the opportunity to study those memoranda. Government are not in a position to say whether he actually did read the memoranda or not, but I can say from the report of the Scheduled Caste Education Committee, of which this officer is the Secretary, that sufficient attention was paid to the grievances of the Scheduled Castes about their educational facilities, and I hope that would satisfy my friend, Mr. Singha.

As regards the recurring grant, now that the Scheduled Caste Education Committee have submitted their recommendations, the Education Department will apply their mind to the recommendations,

will have them examined and will try to accept as many of them as possible, and if that requires the making of provision for a recurring grant, Sir, I can assure the House that Government will not hesitate to accede to the request of the community, but whether it should be 10 lakhs, 7 lakhs or 5 lakhs, it is very difficult for me to forecast at this stage. So, in view of this assurance I would request my honourable friend the mover of the resolution to withdraw it. (Cries of "Don't, don't" from the Congress side.)

Dr. NALINAKSHA SANYAL: I move that the question be now put, Sir.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: One minute, Sir. I hope I have been able to satisfy the House that Government are prepared to take every possible step for the advancement of educational facilities of the Scheduled Castes and there has been no laches on the part of Government in furthering the cause of education of that community.

In view of this assurance, I hope the honourable mover will kindly withdraw his resolution.

Mr. RASIK LAL BISWAS: আমিতো একটু reply দিতে পারি ?

Mr. SPEAKER: Ordinarily, you have a right to reply, but, unfortunately, since the closure has been moved I cannot allow you to make a speech, and the only course left to you now is to withdraw your resolution; otherwise, I shall have put the closure motion before the House.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Can a closure motion be moved during the pendency of a speech?

Mr. SPEAKER: Yes, it can be moved at any moment, even during a speech.

Dr. NALINAKSHA SANYAL: We thought that the Mayor of Calcutta knew better than to put such a question !

Mr. RASIK LAL BISWAS: এই বক্তৃতা সম্পর্কে আলোচনার সময় কয়েকজন ব্যক্তি—(Cries of "No, no" from the Opposition Benches.)

Mr. SPEAKER: No speech is allowed at this stage. It is for you only to signify whether you intend to withdraw or not.

Mr. RASIK LAL BISWAS: গভর্ণমেণ্ট থেকে আমার প্রস্তাবের যে জবাব দিয়েছেন—অবশ্য তাতে আমার সবগুলি point পরিষ্কার হয় নাই,—কারণ Education Minister এবং Finance Minister এখানে নাই ; কিন্তু তাঁদের পক্ষথেকে রেভিনিউ মিনিষ্টার যে জবাব দিয়েছেন তাতে আমাদের অনেকগুলি point clear হোয়েছে। এবং আরগুলি ভবিষ্যতে clear হবে। গভর্ণমেণ্ট আমাদের যে আশ্বাস দিয়েছেন তার জন্য আমি আমার প্রস্তাব withdraw কোরতে চাই।

Mr. SPEAKER: Leave has been asked by Mr. Rasik Lal Biswas to withdraw his resolution. Is there any objection?

(Cries of "Yes, yes" from the Opposition Benches.)

The question that leave be granted to Mr. Rasik Lal Biswas to withdraw his resolution was then put and a division taken with the following result :—

(While the division was going on, canvassing took place on the floor of the House.)

Mr. SPEAKER: May I request the Whips of all the Parties not to go round to the members of other Parties to canvass votes?

AYES—51.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim Vikramperi, Maulvi Md.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Badruddoja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Das, Mr. Anukul Chandra.
Dass, Babu Debendra Nath.
Edber, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca.)
Fazlur Rahman, Mr. (Mymensingh.)
Gomes, Mr. S. A.
Griffiths, Mr. C.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putlu Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawasi Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasaruddin, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Tamizuddin Khan, the Hon'ble Mr.
Whitehead, Mr. R. B.

NOES—58.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Pusapjit.
Barman, Babu Shyama Prosad.

Barman, Babu Upendra Nath.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Paul, Sir Hari Sankar.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Sanyal, Dr. Nalinaksha.
Sarker, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 51 and the Noes 58, the withdrawal motion was lost. (Loud applause.)

Then the resolution of Mr. Rasik Lal Biswas—that this Assembly is of opinion that rupees ten lakhs be sanctioned and spent by the Government every year (including the year 1940-41) for the education of the Scheduled Castes and other educationally backward Hindus of this province, was put and agreed to. (Loud cheers and clapping of hands on the table from Opposition benches.)

Mr. SPEAKER: There will be no sitting of the Assembly on Monday. On Tuesday, the only business is the Government resolution regarding Damodar-Hooghly-Howrah Flushing Scheme. The agenda for Wednesday will follow. I shall try to circulate a corrected copy of the agenda as early as possible so that the members might know the programme.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 3rd September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 3rd September, 1940, at 4-45 p.m.

Present:

MR. SPEAKER (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 210 members.

STARRED QUESTIONS

(to which oral answers were given)

Communal ratio of Civil Surgeons.

*224. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the number of (1) Hindus, (2) Muslims, and (3) Scheduled Castes amongst the Civil Surgeons of Bengal existing at present; and

(*ii*) what steps the Government have taken for maintaining the communal ratio in the posts of Civil Surgeons since that ratio was fixed?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the present strength of (1) Hindu, (2) Muslim and (3) Scheduled Caste officers—

(*i*) amongst the (1) Physicians, (2) Surgeons and (3) other medical men deputed in the (1) Medical College, (2) Carmichael Hospital for Tropical Diseases, (3) Howrah General Hospital and (4) Sambhunath Pandit Hospital; and

(*ii*) amongst the (1) Professors and (2) Assistant Professors of the different departments of the Medical College and of the School of Tropical Medicine?

(*c*) Do the Government contemplate the maintenance of the communal proportion in the superior posts in the Medical Department without deterioration of the quality of the posts?

(*d*) If so, how is it proposed to be done?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Hindus 9 (excluding officiating Civil Surgeons); Muslims and Scheduled Castes—Nil.

[The above figures do not indicate the I.M.S. and I.M.D. officers holding the posts of Civil Surgeons.]

(*ii*) Communal ratio has been fixed for recruitment to the Bengal Medical Service (Upper). The posts of Civil Surgeons other than those reserved for I.M.S. and I.M.D. officers are filled up by promotion from the officers of the B.M.S. (Upper) on the ground of merit with due regard to seniority. The question of maintaining the communal proportion in appointing Civil Surgeons by promotion from the B.M.S. cadre does not therefore arise.

(*b*) A statement is laid on the table.

(*c*) and (*d*) Government will observe the Bengal Services Recruitment (Communal Ratio) Rules, 1940, in all cases of appointments where they are applicable.

Statement referred to in the reply to clause (b) of starred question No. 224.

	Hindus.	Muslims.	Scheduled Castes.
(*b*) (*i*)—			
Medical College Hospitals, Calcutta—			
1. Visiting Physicians (senior) ..	6	..	..
2. Visiting Physicians (junior) ..	7	1	..
3. Visiting Surgeons (senior) ..	7	1	..
4. Visiting Surgeons (junior) ..	*6	..	..
5. Other medical men deputed ..	..	..	..

*One post of junior visiting Surgeon is vacant as the incumbent Dr. Q. M. Musa has not joined.

	Hindus.	Muslims.	Scheduled Castes.
2. *Carmichael Hospital for Tropical Diseases, Calcutta*—			
1. Physicians ..	2	1	..
2. Surgeons ..	..	..	..
3. Other medical men deputed ..	..	..	1 (on supernumerary duty).
3. *Howrah General Hospital*—			
1. Physicians .	} 1	..	..
2. Surgeons ..			
3. Other medical men deputed ..	1 (Sub-Assistant Surgeon Radiologist).	1	..
4. *Sambhunath Pandit Hospital, Calcutta*—			
1. Physician ..	..	..	1
2. Surgeons ..	4	..	..
3. Other medical men deputed	8	1	..
(*b*) (*ii*)—			
1 *Medical College, Calcutta*			
1. Professors (non-clinical) .	(*)7	1	..
2. Professors (clinical)	3	..	..
3. Assistant Professors .	2	..	..
2. *School of Tropical Medicine, Calcutta* —			
1. Professors ..	(†)6	..	..
2. Assistant Professors ..	8	..	..

(*) 3 part-time and 4 full time.

(†) Including one part-time professor.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to consider the desirability of establishing the communal ratio in future so far as appointment to the posts of Visiting Physicians, Visiting Surgeons and other medical men are concerned?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that Government are going to observe the communal ratio in new appointments in the Bengal Medical Service

(Upper). Most of these appointments have already been made and when the present incumbents retire and new appointments are made, Government will certainly follow the communal ratio rules.

Mr. ABDUL WAHAB KHAN: Sir, I am not referring to the Bengal Medical Service (Upper), but I am referring to the answer (*b*), that is, so far as appointments in the Medical College Hospital and other hospitals, of Visiting Physicians and Visiting Surgeons and other medical men, are concerned.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am sorry, Sir, I did not follow the first question.

In regard to these appointments, I wish to say that if there are Physicians or Surgeons of other communities who are capable, certainly their cases will be considered. But generally Physicians and Surgeons, unless they have got special aptitude, are very seldom appointed to these posts.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state if he is aware that in the Bengal Medical Service, there are a sufficient number of Muslim candidates available——

Mr. SPEAKER: This question refers only to Scheduled Castes.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that even among the Scheduled Castes, so far as the Bengal Medical Service is concerned, there are a sufficient number of candidates available for these posts?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am sorry the honourable member has not quite followed my answer. The posts of Visiting Physicians and Visiting Surgeons are given only to those who have attained eminence in their own line and the Scheduled Caste candidates have not yet reached that stage. Their cases will be considered in due time.

Mr. ABDUL WAHAB KHAN: On a point of information, Sir. May I know why I am banned from putting questions about Muslims as the questioner himself wanted to know the number of Hindus, Muslims and Scheduled Castes amongst the Civil Surgeons of Bengal

and other appointments, and the answer also shows the representation of all the communities in the different appointments? So, I think, I am entitled to ask questions about Muslims also.

Mr. SPEAKER: Yes, you are right.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that so far as the Muslim and the Scheduled Caste candidates for the Bengal Medical Service are concerned, there are lots of them available every year?

Mr. SPEAKER: You are working at cross-purposes.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, the honourable member has not understood what I have said. I have already stated that Visiting Physicians and Visiting Surgeons are only recruited from practising Physicians or Surgeons.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that Junior Visiting Physicians are recruited even from the raw graduates of the Medical College and not from retired or practising Physicians?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think that is not so.

Resumption of khas mahal lands in Kalimpong subdivision, Darjeeling.

***225. Mr. DAMBER SINGH GURUNG:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement giving the following information in connection with the resumption of *khas mahal* lands in the 14th mile of the Kalimpong subdivision, namely,—

(*i*) the names of the tenants ousted;

(*ii*) the acreage of land resumed belonging to each of them separately;

(*iii*) the amount of compensation paid to each of them;

(*iv*) the amount of debt of the Central Co-operative Bank, Kalimpong, due from each of them on the date of payment of the compensation; and

(*v*) the date of first payment of compensation?

(*b*) Is the Hon'ble Minister aware—

(*i*) that these tenants bought those lands at the rate ranging from Rs.100 to Rs.300 per acre;

(*ii*) that they made improvement of the lands;

(*iii*) that these tenants have been rendered homeless and landless;

(*iv*) that the bank debts have become bad debts;

(*v*) that they made several representations to the local and district authorities for a fair and reasonable compensation; and

(*vi*) that there is no suitable *khas* land for settlement within the circumference of a ten-mile radius?

(*c*) Do the Government consider the desirability of giving these tenants fair and reasonable compensation for the lands resumed?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) A statement is laid on the table.

(*b*) (*i*) Only in four cases satisfactory evidence of purchase has been adduced which shows that the average price paid for in these cases is about Rs.100 per acre.

(*ii*) The lands resumed were either *sukhakhet* (dry) or *banjho* (waste). In the case of the former class of land very little was done towards their improvement, while the waste lands continued to be so till the date of resumption.

(*iii*) and (*iv*) No.

(*v*) Yes.

(*vi*) Yes. But there are considerable areas of *khas* land available for settlement at a distance of twelve miles. Ejected tenants were offered settlement of lands in this block, but none accepted the offer.

(*c*) Government do not consider that except in the cases in which the tenants had purchased the lands at a considerable price there is any case or ground of further compensation as resumption was necessary because of the damage caused by the tenants themselves. The former cases are under re-examination to see what further relief or compensation, if any, should be given.

Statement referred to in the reply to clause (a) of starred question No. 225.

Holding No	Names of tenants affected.	Area of land resumed in the case of each tenant or body of tenants, holding by holding		The amount of compensation paid in each case.	The amount of debt of the Central Co-operative Bank, Kalimpong, due from each of them on the date of payment of the compensation	The date of first payment of compensation.
1	2	3		4	5	6
		Acre	Decimal	Rs	Rs. a p	
129	Dambar Singh Lalbir Bhartey Abhiman Matri Kamini	3	50	55	49 1 0 79 9 6 33 8 9 35 5 0	24th March, 1939.
96	Dambar Singh Dalbir Bhartey Abhiman Manbir	1	87	3	..	Do
120	Manbir Kami	3	20	76	..	Do
61	Thantey Mangalay ..	3	23	6	249 13 3	Do.
77	Dhanbir Kami	3	56	24	..	Do.
117	Jangbir Murmi	18	05	1	..	Do.
268	Budhiman Tamang	2	04	5	378 10 0	Do
102	Chhidup Tamang	1	10	..	..	Do.
125	Gumbaman Mahabir .. Kaley .. Rathey	1	75	..	..	Do.
49	Latchman .. Ajat .. Garbey Sarki ..	1	76	..	..	Do.
155	Budhay .. Hastabir .. Dhanraj .. Santabir .. Ranbahadur .. Seti ..	..	80	..	..	Do.
239	Dhanbahadur Mangar.	5	56	..	..	Do.

Holding No.	Names of tenants affected.	Area of land resumed in the case of each tenant or body of tenants, holding by holding.		The amount of compensation paid in each case.	The amount of debt of the Central Co-operative Bank, Kalimpong, due from each of them on the date of payment of the compensation.	The date of first payment of compensation.
1	2	3		4	5	6
		Acre.	Decimal	Rs.	Rs. a. p.	
242	Darba Singh Chhetri	..	28	..	..	24th March, 1939
228	Ranjit Kami ..	..	20		..	Do.
241	Raharman Rai ..	..	70	1	..	Do.
112	Indrabir .. Dhanbir .. Agambir .. Bhaktabir ..	9	35	10	25 5 0	Do.
45	Jaman Singh .. Hastey .. Surey ..	1	72	..	38 11 6	Do.
135	Serongmu .. Chhawa Wangdi .. Pasang Domu ..	3	80	14	561 15 9	Do.
106	Jitbahadur .. Manbir .. Manabahdur .. Dhanbahdur .. Chhedup .. Praburam .. Lamu .. Naksal .. Phulmaya Tamangni	13	41	16	..	Do.
95	Nima Tshering Sherpa.	3	57	..	349 4 9	Do.
57	Tashi Chhiten ..	19	18	78	..	Do.
30	Hangu .. Naku .. Chhinden ..	..	58	..	..	Do.
240	Puruk .. Rinchen Bhotia ..	..	25	1	294 15 0	Do.
95	Church of Scotland Mission.	1	19	..	..	Do.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the basis on which the amount of compensation was calculated?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Compensation is not usually granted unless the land was taken on *salami*, or it was improved, or the tenant built huts on the land. So, according to the value of the improvement, according to the amount of *salami* paid, and according to the value of the huts, compensations are paid.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to explain the discrepancy between the ratio of the amount of compensation paid to the owners of holdings No. 129 and to those of No. 96?

Mr. SPEAKER: That question does not arise in view of the answer.

Mr. SURENDRA NATH BISWAS: The questioner wanted to know the amount of the compensation paid and the reason behind that was whether the compensation paid was equitable.

Mr. SPEAKER: The Hon'ble Minister has said that the amount of compensation depended on three factors.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state on what basis in connection with item No. 117, compensation of Re. 1 was granted?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: I want to know whether the compensation was paid on the basis of calculation of huts or of improvement.

Mr. SPEAKER: You can ask supplementary questions arising out of the original question. But it is not fair to pick out one item out of about 20 items.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the reason for the difference in the amount of Re. 1 and Rs. 5 in the case of giving compensation to different parties?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Compensations cannot be uniform.

Mr. ATUL KRISHNA GHOSE: I beg to submit that when two tenants are given compensation, one Re. 1 and another Rs. 55, the margin of difference in compensation makes one automatically interested in the matter. We are not expected to know whether the compensation was given in that particular item on the basis of the building of huts or improvement of some other kind. If you do not allow us to put such questions, we are helpless.

Mr. SPEAKER: I am sorry; in that case you will have to put a separate question.

Guru Training School at Suri

***226. Dr. SHARAT CHANDRA MUKHERJEE:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there is a Guru Training School at Suri;

(*ii*) that the total strength on the roll of the school is 40 for some time past;

(*iii*) that prior to 1937, 30 students from the Hindus and 10 from the Muslims were admitted into the school;

(*iv*) that in 1937, 11 students from the Muslims were admitted; and

(*v*) that after 1937 the number of Muslim students have been increased from 11 to 15?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state why the number of Muslim students have been so raised?

(*c*) Is the Hon'ble Minister also aware—

(*i*) that the accommodation of the Hindu boarding was 30, and that of the Muslim boarding 10 only;

(*ii*) that one of the rooms of the Hindu boarding has been occupied by the Muslim students owing to shortage of accommodation in the Muslim boarding; and

(*iii*) that this has caused a feeling of resentment amongst the Hindu boarders?

(*d*) If the answer to (*c*) (*ii*) is in the affirmative, what action does the Hon'ble Minister propose to take for redressing the grievances of the Hindu boarders?

(*e*) If no action is proposed to be taken in the matter, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. Fazlul Huq, Minister in charge of the Education Department): (*a*) Yes.

(*b*) The number of Muslim admissions has been increased to meet the requirements of the district.

(*c*) (*i*) Yes.

(*ii*) One of the unoccupied rooms in the Hindu hostel has been allotted to Muslim boarders.

(*iii*) No.

(*d*) and (*e*) Do not arise.

Dr. SHARAT CHANDRA MUKHERJEE: Regarding answer (*b*), will the Hon'ble Minister be pleased to state if the requirements of the district were not met by the Hindus?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is certainly desirable that Muslims should get a chance of being appointed in schools where there are Muslim students and requirements are adjusted accordingly.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the percentage of Muslim population in the district?

Mr. SPEAKER: The question does not arise. You can see it in the Census Report.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister considering the desirability of doing away with the distinction between a Hindu boarding and a Muhammadan boarding?

Mr. SPEAKER: That question does not arise.

Dr. SHARAT CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state what are the particular requirements necessary for the district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Appointments in certain schools.

Dr. SHARAT CHANDRA MUKHERJEE: Of what percentage?

Mr. SPEAKER: According to the number of Muslim students.

Dr. SHARAT CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state whether any intimation was given to the Director of Public Instruction regarding this change of policy?

Mr. SPEAKER: That question does not arise.

Increase in the number of Muslim teachers in high English schools in Rajshahi district.

*227. **Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the district of Rajshahi—

(*i*) the total number of high English schools existing at present;

(*ii*) the number of them receiving Government grant-in-aid;

(*iii*) the amount of grant-in-aid which each of them gets;

(*iv*) the number of Muslim students in each of the schools; and

(*v*) the number of Muslim teachers in each of the schools?

(*b*) If the number of Muslim teachers is not proportionate in aided high schools to the number of Muslim boys in the schools, what steps, if any, do the Government propose taking for the increase of Muslim teachers in those institutions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) 19 (excluding girls' high school and 1 Government high school for boys).

(*ii*) 6.

Name of school.	Per mensem.
	Rs.
(*iii*) Arani M. M. High English	135
Chowgram High English	100
Mahadevpur S. M. Institution	150
Naogaon K. D. High English	225
Sardah High English	150
Rajshahi Loknath High English	175

Name of school.	Number of Muslim students on the rolls.	Number of Muslim teachers in the school.
(*iv*) *and* (*v*) Arani M. M. High English	99	3
Chowgram High English ..	71	3
Mahadevpur S. M. Institution ..	77	2
Naogaon K. D. High English ..	148	4
Sardah High English	73	4
Rajshahi Loknath High English ..	175	3

(*b*) The number is not proportionate and Managing Committees are being encouraged to recruit qualified Muslim teachers.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what power or control have the Government got to raise the number of Muslim teachers or even to raise the number of members in the managing committee by which they propose to encourage the recruitment of Muslim teachers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No control is better than financial control.

Mr. ATUL CHANDRA SEN: With reference to (*a*) (*iv*) and (*v*), will the Hon'ble Minister be pleased to state what is the number of Hindu teachers and students in the Sardah High English School?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that the Secondary Education Bill is the only remedy for raising the number of teachers and the number of members in the managing committee?

Mr. SPEAKER: That is a question of opinion.

Non-Bengalee Indian doctors in the School of Tropical Medicine.

***228. Rai Bahadur JOGESH CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the number of non-Bengalee Indian doctors in the various grades, with their names, at present existing in the School of Tropical Medicine;

(*ii*) their academical qualifications;

(*iii*) the date when they entered the said School; and

(*iv*) the appointing authority?

(*b*) Will the Hon'ble Minister be pleased to state whether in each case the post was advertised?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to starred question No. 228.

Name.	Grade.	Academic qualifications	Date when the officer entered the school.	Appointing authority.	Whether the post was advertised.	Remarks.
		I—Under the Government of Bengal.				
(1) Bt.-Col. R. N. Chopra, C.I.E., I.M.S. (retired).	Besides pension for service in the I.M.S. the officer receives the following pay— Pay Rs.1,200. Compensatory allowance Rs.400. Special pay as Director Rs 400 Special pay for lecturing to students of the Medical College Rs 200.	M.A., M.D., Sc.D. (Cantab.), F.R.C.P. (London).	1st August, 1921.	Government of Bengal.	No ..	On his retirement from the I.M.S., with effect from the 17th August, 1939, he was reappointed by Government as Director and Professor of Pharmacology, School of Tropical Medicine, Calcutta, without advertisement.
(2) Major C. L. Pasricha, I.M.S.	I.M.S. scale *plus* special pay Rs. 250. Compensatory allowance Rs 500.	M.A., M.B., B.Chir. (Cantab.), M.R.C.S. (England), M.R.C.P. (London).	15th July, 1933.	Ditto ..	Yes.	
		II—Under the Calcutta School of Tropical Medicine Endowment Fund.				
(3) Dr. S. Sundar Rao ..	Rs.200 (fixed) ..	L.M.P. (Madras)	16th March, 1921.	Governing body of the Endowment Fund through the Government of Bengal.	Yes.	

III—Under the Indian Research Fund Association.

(4) Dr. Dharmendra ..	Rs.300—25—600 ..	M.B., B.S. (Punjab), D.B. (London).	October, 1929	(1) The Secretary, Governing Body and Scientific Advisory Board, Indian Research Fund Association. (2) The Governing Body, Calcutta School of Tropical Medicine Endowment Fund.	..	It is not known if the post of his original appointment in 1929, under the I. R. F. A. was advertised or not. He held the post from October, 1929, to February, 1932, on Rs.300 per mensem. From March, 1932, to 14th October, 1935, he was serving under the Endowment Fund in the scale of Rs.300—25/2—450. From 15th October, 1935, he has been appointed as a Junior Research Worker under the I. R. F. A., in the scale of Rs.300—25—600 This post was advertised.
(5) Dr. Gurbaksh Singh Chopra.	Rs. 150—8—230—10—250.	M.B., B.S. (Hons.) (Punjab).	18th April, 1928.	The Secretary, Governing Body and Scientific Advisory Board, I. R. F. A.	Yes ..	Served in the Drug Addiction Enquiry, I. R. F. A, up to 31st March, 1937, and from 1st April, 1937, transferred to the Indigenous Drugs Enquiry in the present scale.

Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Minister be pleased to state what is the total strength of doctors under each head mentioned in the statement?

Mr. SPEAKER: You will have to ask another question.

Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Minister be pleased to state if non-Bengalis were appointed, because no suitable Bengali, either Hindu or Muhammadan, was available.

Mr. SPEAKER: You are giving information and not asking for information.

Hostel for the Hindu boys at Chittagong.

***229. Mrs. NELLIE SEN GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that at present there is no hostel for the Hindu boys at Chittagong; and

(*ii*) that the absence of such a hostel causes inconvenience to the Hindu boys?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of reopening the existing Hindu Hostel?

(*c*) If so, when?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes.

(*ii*) No.

(*b*) and (*c*) The building used as a Hindu hostel was found to be unsuitable. The Principal has been asked to start a hostel in a suitable rented house as soon as there is a reasonable demand for it.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*b*) and (*c*), will the Hon'ble Minister be pleased to state whether the necessity or requirement of a Hindu hostel for the Hindu students will have to be justified by a new and fresh demand?

Mr. SPEAKER: The question does not arise.

Rai HARENDRA NATH CHAUDHURI: You will see from the answer that the building used as a Hindu hostel was found to be

unsuitable. Therefore, it is clear that there was a building for Hindu students. The necessity for a Hindu hostel remains, but that is denied in the latter part of the answer.

Mr. SPEAKER: You can ask that question.

Rai HARENDRA NATH CHAUDHURI: Will reference to the first part of his answer, will the Hon'ble Minister be pleased to state whether there is still a necessity for a Hindu hostel or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Evidently, there is none at present.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what are the reasons for the Hon'ble Minister to hold that there is no necessity at present for a hostel for Hindu students? Will he please state the reasons, as there are Hindu students there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state with reference to (*b*) and (*c*), how many students did the Hindu hostel accommodate when it was closed?

Mr. SPEAKER: First ask when it was closed.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state when the Hindu hostel was closed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how many students did the Hindu hostel accommodate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Absence of latrines for female registrants of the Ullapara Sub-Registry Office.

*230. **Mr. MOHAMMAD BARAT ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that there is no latrine attached to the Sub-Registry Office at Ullapara for the use of the executants, especially the females?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) The question of conservancy in rural Bengal is a difficult problem. The matter will, however, be looked into.

Kharia river in Mymensingh.

***231. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) whether there is a dying river named Kharia river in the northern part of Sadar subdivision of Mymensingh district;

(*ii*) whether its moribund condition is due to the shock of the great earthquake of 1897;

(*iii*) whether it is connected with the old Brahmaputra river and becomes navigable only when flood appears in that river;

(*iv*) whether it was navigable throughout the year before the great earthquake; and

(*v*) whether paddy is grown abundantly in that part of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate making it navigable for a greater part of the year?

(*c*) If so, when is it likely to be taken up?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) The upper portion of the Kharia river has silted up.

(*ii*) and (*iv*) I have no information.

(*iii*) and (*v*) Yes.

(*b*) and (*c*) A scheme for the re-excavation of the silted up portion of the river has been prepared and I am now considering the question of financing it.

Percentage of Muslim menials in Jessore Anti-Malaria Scheme.

*232. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) how many menials were appointed in the Jessore Anti-Malaria Scheme; and

(*b*) what is the proportion of Muslims thereof?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) 78.

(*b*) 44·8 per cent.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether the appointments of menials are governed by the Government notification as regards communal ratio?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: These appointments are made by the Director of Public Health, and as far as I am given to understand, in cases where these people have got to go to the houses of gentlemen of different communities and as the population in the municipal area is mostly Hindu, therefore the larger proportion of the menials are also Hindus as they do not like members of other communities; this principle will also be acted upon in places where Muslim inhabitants form the majority.

Mr. ABDUL WAHAB KHAN: Sir, my question was simply whether the communal ratio applied to the appointment of menials.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how many of the malaria-stricken people are Hindus and how many Muslims?

Mr. SPEAKER: That question does not arise.

Expenditure for the Drug Addiction Inquiry.

*233. **Mr. BANKU BEHARI MANDAL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the Professor of Pharmacology of the School of Tropical Medicine with his Assistants worked in Drug Addiction Inquiry; and

(*b*) if so, what is the total expenditure of that enquiry?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) Yes.

(*b*) Rs.9,125.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Primary schools for Scheduled Castes under District School Board, Dacca.

113. Mr. DHANANJOY ROY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the total number of Scheduled Caste primary schools existing before the creation of the District School Board of Dacca in the district;

(*b*) the number of them that were helped by the Society for the Improvement of Backward Classes;

(*c*) the number of them that were for—

(1) boys, and

(2) girls;

(*d*) the total number of Scheduled Caste free primary schools sanctioned by the Dacca District School Board:

(*e*) the number of them that are for—

(1) boys, and

(2) girls;

(*f*) the total number of Scheduled Caste free primary school teachers;

(*g*) the number of them that are Head Pandits; and

(*h*) the number of non-Matriculate Head Pandits, if any?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) There were no schools exclusively meant for Scheduled Castes but the number of schools where pupils of Scheduled Castes preponderated was, as far as could be ascertained, 116.

(*b*) 23.

(*c*) For boys 114 and girls 2.

(*d*) The District School Board has not sanctioned any school exclusively for the Scheduled Castes or any other community. Primary schools under the new scheme have been established on the basis of one school for a population of 2,000 or alternatively in an area not exceeding 3·14 square miles. There are 125 primary schools located in the areas chiefly populated by the Scheduled Castes.

(*e*) All mixed.

(*f*) to (*h*) The information is not available as members of the Scheduled Castes describe themselves by the same caste titles as members of other Hindu communities. It has been decided by the Board that 10 per cent. of the total number of primary school teachers shall be members of the Scehduled Castes.

Mr. ATUL CHANDRA SEN: Is the Hon'ble Minister aware that in the Sadar and in the Narainganj subdivisions of the Dacca district, schools started by non-official agencies which satisfy either the population test or the mileage test as laid down in the answer have been refused sanction on political grounds?

Mr. SPEAKER: That question does not arise here.

Mr. ATUL CHANDRA SEN: Yes, Sir, it does, after the answer given in (*d*).

Mr. SPEAKER: The whole tenor of this question is an act of omission and not commission.

Mr. ATUL CHANDRA GHOSE: Sir, there is a definite statement made here by the Hon'ble Minister that there is a population basis of 2,000 or an area basis of 3·14 square miles, for the starting of a primary school with the sanction of Government. These are the two alternatives on which a primary school can be started, and under these circumstances when we mention that in such and such area and with such and such population no school has yet been sanctioned by Government, I think, Sir, that this question arises.

Mr. SPEAKER: Why not put it in an exact form, namely, whether the Hon'ble Minister is aware that in such and such area with such and such population schools have not been started?

Mr. ATUL CHANDRA SEN: When the Hon'ble Minister says "no," will he kindly consider the desirability of enquiring whether the primary school at Baonia in Sadar subdivision with a roll strength of 200 students was refused sanction because the promoter, the secretary and the Head Master of the school refused to work for the Muslim League as they were asked to do?

Mr. SPEAKER: I am sorry that question does not arise. You can put a question only on the population and area basis.

Mr. ATUL CHANDRA GHOSE: Will the Hon'ble Minister be pleased to enlighten us whether it is a fact that in Baonia with an area more than the area specified in the reply and with a population much more than what has been given in the answer, no primary school could be started?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information, but if the honourable member will give us facts, I think Government will be pleased to consider the matter.

Appointment of Scheduled Caste Muharrirs in the Sub-Registry Offices in the district of Tippera.

114. Mr. JAGAT CHANDRA MANDAL: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*i*) the present number of extra *muharrirs* serving in the Sub-Registrars' Offices in the district of Tippera;

(*ii*) how many of them are from the Scheduled Castes; and

(*iii*) how many of them are permanent?

(*b*) Is it a fact that the number of the Scheduled Caste *muharrirs* is inadequate?

(*c*) If so, what steps do the Government contemplate to take for the increase of their number in that service?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) 171.

(*ii*) 13.

(*iii*) None of these extra *muharrirs* are permanent. The service itself is on a temporary basis.

(*b*) No. In addition to 13 Scheduled Caste extra *muharrirs* there are 2 Scheduled Caste permanent *muharrirs* out of 3? permanent *muharrirs*. Scheduled Castes form about 7 per cent. only of the population of the district.

(*c*) Does not arise.

Repercussion of Floud Commission's Report in the villages.

115. *Khan Bahadur AULAD HOSSAIN KHAN: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there is a panic in villages that as a result of the report of the Floud Commission *bargadars* will get permanent right in *barga* lands;

(*ii*) that owners of lands are eager to take away their lands from the *bargadars*; and

(*iii*) that there is an apprehension of trouble about this soon after the rains?

(*b*) If so, what step do the Government propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government have no information that there is any such panic over the recommendation of the Floud Commission to give permanent right to *bargadars*.

(*b*) Does not arise.

Khan Bahadur AULAD HOSSAIN KHAN: Will the Hon'ble Minister be pleased to state whether he received reports from local officers to this effect?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We enquired into the matter and our information is that there is no panic on the ground that the Floud Commission made some suggestions about giving a permanent right to the *bargadars*.

Mr. SPEAKER: I have not yet heard that there is ever any panic over any particular recommendation.

Khan Bahadur AULAD HOSSAIN KHAN: Is it a fact that owners of land are now refusing to give land to *bargadars*?

Mr. SPEAKER: That is a different thing. Here is a statement which may be true, but the tenor of this question is whether it was as a result of the recommendations of the Floud Commission. There can be any number of panics, but the point is whether it is due to the recommendations of the Floud Commission.

Khan Bahadur AULAD HOSSAIN KHAN: Will the Hon'ble Minister be pleased to state whether Government have any information with regard to this in the districts of Dacca, Pabna and Mymensingh?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, there is some amount of panic and that is due to the general impression that the *adhiars* are going to be given a permanent right, but that is not due to the recommendations made by the Floud Commission.

Donation by Harendra Nath Chakrabarty of Kola, Dacca, for the improvement of his native village.

116. Maulvi ABDUL WAHED: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Rural Reconstruction) Department be pleased to state whether it is a fact that one Harendra Nath Chakrabarty of Kola (Dacca), offered a donation of Rs.10,000, to the Subdivisional Officer, of Munshiganj (Dacca) for financing any project for the improvement of his native village?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the offer has yet been accepted?

(*c*) If it has not been accepted, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No such offer has been received by the Subdivisional Officer.

(*b*) and (*c*) Do not arise.

GOVERNMENT RESOLUTION.

The Damodar-Hooghly Flushing Scheme.

Mr. SPEAKER: We will now take up the Government resolution regarding the Damodar-Hooghly Flushing Scheme.

Mr. DHIRENDRA NATH DATTA: May I rise on a point of information, Sir, about this resolution, as to whether this resolution is going to be moved under section 6 of the Bengal Development Act?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, because it is provided in the Act itself.

Mr. SPEAKER: Please wait a minute. There is a message from the Upper House, which has got to be read first.

Message from the Bengal Legislative Council.

The Secretary then read the following message from the Bengal Legislative Council.

"That the concurrence of the Bengal Legislative Assembly be asked to the Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940, as passed by the Bengal Legislative Council at its meeting held on the 22nd August, 1940."

Mr. DHIRENDRA NATH DATTA: Sir, I rise on a point of information as to whether there is any notification published in the *Calcutta Gazette* that the improvement levy is within the meaning of section 2 of the Bengal Development Act and whether there was any preliminary notification as required by section 2?

Mr. SPEAKER: That question will arise afterwards; it is premature now.

Mr. DHIRENDRA NATH DATTA: Then I rise on a point of order, Sir. Section 6 of the Act lays down that no expenditure can be incurred for the construction of any improvement work in respect to which the Local Government intends to impose any improvement levy and no improvement levy shall be imposed in respect of any improvement work unless the Bengal Legislative Council has by resolution recommended the imposition of any improvement levy in respect of such work. "Improvement work" has been defined in sub-section (5) of section 2 of the Act. In sub-section (5) this term has been defined in this way, namely, that it means any work of improvement constructed by Government before or after the commencement of this Act or proposed to be constructed by the Government which the Local Government has by notification declared to be an improvement work for the purposes of this Act. Sir, I draw your attention to the words: "The Local Government has by notification declared to be an improvement work for the purposes of this Act" and the word "notification" has been defined to mean "a notification published in the *Calcutta Gazette.*" If we read sub-section (5) of section 2——

Mr. SPEAKER: Not so fast. Let me follow you.

Mr. DHIRENDRA NATH DATTA: So, Sir, it must be declared by notification that this scheme is an improvement work, and after that they can seek the recommendation of this Assembly.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Under what section?

Dr. DHIRENDRA NATH DATTA: Please see sub-section (5) of section 2.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Government must notify according to section 3.

Mr. DHIRENDRA NATH DATTA: The Local Government must first declare by notification that it is an improvement work before they seek the recommendation of the Assembly for the imposition of the improvement levy, because section 6 contemplates the imposition of an improvement levy in respect of an improvement work only with the recommendation of the Assembly. The improvement work has been defined in sub-section (5) of section 2.

Mr. SPEAKER: What is your contention?

Mr. DHIRENDRA NATH DATTA: My contention is, there has not been any notification in the Gazette that it is an improvement work. Section 6 has therefore no application. So, this resolution cannot be moved to-day.

Mr. SPEAKER: Why?

Mr. DHIRENDRA NATH DATTA: Because the resolution contemplates the imposition of an improvement levy——

Mr. SPEAKER: Whether this resolution is of such a binding character as required by section 6 is quite a different thing from an expression of opinion by the House that Government should take certain steps.

Mr. DHIRENDRA NATH DATTA: No, Sir; really it is not an expression of opinion. I first put the question whether this resolution was in pursuance of section 6 of the Development Act, and the Hon'ble Minister was obliged to tell me that it was so. Now we are going to agree to the imposition of an improvement levy. It is not a mere recommendation. Government cannot impose an improvement levy without the recommendation of the Legislative Assembly. Government intend to impose this improvement levy on a particular area. Sir, it is

not a mere expression of opinion. Under the Act it is obligatory on the Government to secure the approval of the Legislative Assembly before an improvement levy is imposed.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: If it is the contention of the honourable member that a notification should have been issued according to section 3, then I should like to point out that the section runs thus:—

"Whenever in the opinion of the Provincial Government any improvement work has increased or is likely to increase the profits from the produce from any agricultural land, or to increase the outturn of such produce within any area, the Provincial Government may by notification declare its intention to impose an improvement levy within that area."

If we are to issue a notification proposing to impose a levy, then we must have the assent of the Assembly beforehand.

Mr. DHIRENDRA NATH DATTA: No, no. You must look to the definition.

Mr. SPEAKER: Whatever might be the definition, your contention is: let Government issue a notification that they propose to impose a levy, and after the declaration of the Government's intention to impose a levy, let it come to the Assembly for its assent. Well, that is not fair.

Mr. DHIRENDRA NATH DATTA: Government must first declare by notification that it is an improvement work.

Mr. SPEAKER: I do not know what the legal implications are. But I take it whether it is by virtue of section 6 of the Bengal Development Act or otherwise, this House has the right to express its opinion.

Mr. DHIRENDRA NATH DATTA: If it is in pursuance of section 6, my contention is that before coming to this House with this resolution, there must first of all be a declaration by notification in the Gazette that it is an improvement scheme. Then if the Government intend to impose a levy, they must issue a preliminary notification as contemplated in section 3.

Mr. SPEAKER: I am not bound by the Hon'ble Minister's statement. I am bound by the terms of the resolution. There is nothing in the Act to show that this should not be done.

Mr. DHIRENDRA NATH DATTA: Then it will have no effect under the Bengal Development Act. This will not be a resolution within the meaning of that Act.

Mr. SPEAKER: That is the lookout of the Government.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Mr. Speaker, Sir, I rise to move the resolution which stands in my name, namely, that this Assembly is of opinion and recommends that an improvement levy should be imposed in the area to be served by the Damodar-Hooghly-Howrah Flushing Scheme.

To begin with, I think that I should explain that the area to be served by the scheme may be roughly defined as that which is bounded on the north by the Bunka river, on the west by the Damodar, on the east by a line running roughly parallel to and at a distance of 5 to 10 miles from the Hooghly and on the south by a line running roughly parallel to and about 8 miles from the Bengal-Nagpur Railway except for a portion in the south-west which comes up to the railway line.

Dr. NALINAKSHA SANYAL: North or south of the railway?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: To the north. A map showing the area is placed on the library table.

For many years it has been realised that the area which the scheme is to serve has been unhealthy and that the soil within it has deteriorated through the exclusion of the spill of the Damodar river by the left embankment. In 1863 a Special Committee appointed to investigate the epidemic of Burdwan fever expressed the opinion that the disease had appeared in an area which had ceased to be inundated by the flood water of the river, and in the late seventies Dr. Coats who was then Sanitary Commissioner suggested that improvement could be effected by introducing river water. In more recent times the bad effect on this area of the exclusion of the river spill was strongly emphasised by Dr. Bentley. I am sure the House will agree with me that it is now too late to think of abandoning the Damodar left embankment and allowing the flood to spill freely over the left bank. Apart from the serious damage to the lines of communication and untold miseries to lakhs of people living within the area which such uncontrolled flooding is likely to cause, it may even cause an avulsion of the Damodar river itself towards the Hooghly above Calcutta which would be a serious disaster as the Hooghly in its present condition cannot possibly carry this additional flood water. The solution therefore seems to be to take the flood water through controlled sluices, and to use it where it is required and when it is required. We have been advised that the soil of the area commanded by the scheme not only needs irrigation especially in October, but also that it is suitable for irrigation, and it

is well known that the silt of the Damodar is rich in plant nutrients. We propose therefore that the area should be flushed and irrigated by silt-laden water from the river conveyed through natural and artificial channels. There will be 372 miles of main and branch canal and 112 miles of distributaries. The main canal will follow the alignment of the existing Eden Canal. The old natural channels, such as the Gangur, the Behula, the Bhallukas, the Kana Nadi and the Kana Damodar will be improved and used as branches. The present insanitary condition of the channels which is a source of malarial infection will thus be improved owing to regular flushing. New channels also will be excavated at places where there are no existing channels. The nature of silt in the river has been studied and the channels have been designed on the latest principle followed in the Punjab so that no silt will be deposited in them. Minor distributaries with sluices and outlets will be constructed for leading water into the fields. The total area within what I may call the perimeter of the scheme is 611,000 acres; the whole of this area and an additional area outside the perimeter will derive the benefit of improved public health; within the perimeter the area to be flushed and irrigated and enjoy the benefit of an increased outturn of crops will be about 428,000 acres.

Sir, I do not propose to go into engineering details here, and I trust that the House will be satisfied if I mention only the most prominent features. The first of these to which I should like to invite attention is a reservoir in the upper catchment area This is considered desirable as the river supply which is copious up to September fails occasionally in the critical period of October when rainfall too is often insufficient to allow the crop to ripen properly. A suitable site is available on the Barakar river in the neighbouring province of Bihar. We have not yet approached the Government of that province in this matter, but we shall do so as soon as we receive an indication that the Assembly generally approves of our going on with the scheme and financing it by the method proposed. It is intended that the reservoir should have a capacity of 6,000 million cubic feet and the dam has been so designed as to permit of its being raised, if necessary, to provide an increase of 30 per cent. in storage capacity in order to compensate for the probable reduction in storage capacity caused by silting in future. We are advised however that it will not be necessary to raise the dam in this way for about a century. A minor advantage of the reservoir is that it will be able to irrigate over 40,000 acres in the *rabi* season.

The next engineering feature of the scheme in which I think that the House will be interested is the provision of a barrage across the river at Sadarghat, Burdwan, where water will be drawn for the irrigation and flushing of about 4 lakhs of acres, the barrage and a head regulator ensuring effective control of the supply. Water will also be drawn from the river near Amta, but at this place there will be no barrage and control will be effected by a sluice. In passing, I should like to

mention that we contemplate that the barrage at Burdwan should also serve as a bridge across the Damodar, thus securing considerable economy on both projects. It is estimated that the actual cost of the construction of the flushing scheme will be about 2·67 crores, and that various indirect charges during the period of construction and for a certain time thereafter will bring the capital cost of the scheme to Rs. 3 crores and 10 lakhs. I feel sure that it will be generally agreed that the expenditure on this scale should be met by means of a loan and that it will not be fair to burden the general tax-payer with the repayment of capital and the payment of such recurring charges as cost of maintenance and interest. These charges should be met from the increased yield which accrues by the execution of the scheme. The machinery for the recovery of the initial and recurring expenditure on a project of this character is provided by the Development Act of 1935, according to which a levy not exceeding one-half of the value of the additional outturn accruing from the project can be imposed. That Act also provides that no expenditure can be incurred on a project which it is proposed to finance in this way unless the imposition of the levy has been recommended by this House. That is why this resolution has been moved by me to-day. We want to know whether the Assembly approves generally of the project and of the method by which we recommend that it should be financed. Some work has still to be done on the study of the present yield of crops in the area. Although Government can incur the necessary expenditure on this by the utilisation of funds provided in the Budget and granted by the House, we feel sure that a stage has now been reached when we should not incur further preliminary expenditure without being sure that the House wants us to proceed with the execution of the scheme as soon as financial circumstances permit. It has been estimated that such annual recurring charges as payments to the sinking fund, payment of interest, maintenance and cost of collection will be in the neighbourhood of Rs. 20 lakhs. Part of the area covered by the scheme is already commanded by the Eden Canal, and in view of the maximum rate fixed by the proviso to section 10(6)(*b*) of the Development Act we estimate that the rate required in the rest of the area should be about Rs. 5-2 per acre if the scheme is to be self-supporting. To be on the safe side, let us say Rs. 5-4. Let there be no misunderstanding that I am proposing the rate of the levy. That must wait till all the data have been collected. I have already mentioned that some of the channels of the existing Eden Canal will be used for the new scheme, and it is just possible that it might be held that any land irrigated by water passing through these channels forms part of the Eden Canal area, with the result that the rate that could be imposed throughout the whole Damodar-Hooghly-Howrah area must not exceed the Eden Canal maximum. It may therefore be necessary to legislate in order to make it clear that the new scheme is not merely the Eden Canal under a new name.

Under the Development Act the levy is limited to half the additional outturn; it follows therefore that the outturn should average not less than twice Rs. 5-4, the figure I have already mentioned, that is, Rs. 10-8. We think that the average additional outturn should be considerably more than that and that the rate which the Act allows is well in excess of that necessary to make the scheme self-supporting. This view of ours is based on the estimates that have been made of the value of the increased outturn in the adjoining area served by the Damodar Canal, which is very similar to the Damodar-Hooghly-Howrah area. These estimates place the average outturn of paddy grain at about 9 maunds per acre.

At the beginning of this year Government published a notification fixing Rs. 2 per maund as the price of paddy grain for the purpose of calculating the value of the additional outturn in the Damodar area. On this basis the value of the additional outturn in the area of the new scheme should be Rs. 18 per acre (and there has been, I think, a fairly stiff rise in the price of paddy since January). In addition, there will be an extra yield of straw and further improvement in the productivity of the soil owing to flushing to a depth of about three times that done in the case of the Damodar Canal. We therefore feel justified in taking the view that even allowing for fluctuation in the price of paddy the value of the additional yield will be well over twice the rate which it will be necessary to impose if the scheme is to be made to pay for itself and no part of the cost of the scheme is to fall on the general taxpayer. I may mention that during the last 2 years we have carried out crop-cutting experiments in the area to be commanded by the new scheme and that the figures obtained by the Revenue officers (not officers of the Irrigation Department) carrying out the experiment are being examined by Professor Mahalanobis who designed last year's experiment and whom we have asked to design one to be carried out during the coming cold weather. I am sure that the House will be interested to hear that Professor Hotelling of Columbia University, a recognised authority on statistics, was very much impressed by the design. We propose, if the House approves, to carry on with these experiments for the next 3 or 4 years and to have them analysed in the same way, that is by a statistical expert who is wholly independent both of the Irrigation Department and of the Revenue Department of Government. We hope therefore that by the time when the work is carried out, we shall have an absolutely unchallengeable set of figures showing the present yield of crops in various classes of land, throughout the year. This will form the basis on which a calculation of the additional outturn can be made when the actual yield is estimated in future in accordance with the Development Act for the purpose of determining the rate or rates of levy permitted by the statute. I have said that we feel justified in taking the view that the average additional outturn will be well over twice the amount of levy that will

have to be imposed to make the scheme pay for itself. I therefore trust that the House will accept this resolution which I commend to them in the firm belief that it is only by a scheme like this made possible by the machinery provided by the Development Act that we can ever hope to see any such improvement in the decadent areas of our province as will restore their ancient prosperity.

Mr. DHIRENDRA NATH DATTA: May I request you, Mr. Speaker, to postpone the discussion of this resolution to-day? The resolution is there, but no scheme has been placed before us. Nothing has yet been explained to us about the scheme. The resolution calls for the recommendation for the imposition of a improvement levy amounting to Rs. 3 crores 10 lakhs. This is a serious matter and this should not be discussed in hot haste. First the scheme should be explained to us; we should then go to the locality to see whether the scheme will cause an improvement of the area and will be of real benefit to the people. We must be sure that the improvement will really be effected before we can reasonably recommend the imposition of the improvement levy to the extent of Rs. 3 crores and 10 lakhs. The matter is a very serious one, as I have already said. The resolution is just before us, the scheme should be explained to us. We should go to the locality, ascertain facts, and then discuss a very serious and important matter like this.

With these words I submit that the discussion of this matter be postponed to-day.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: May I rise on a point of order? Would an amendment of the nature which is being proposed by Dr. Sanyal be appropriate, since the sections in the Act make no provision for the attachment of any condition to the recommendation of the House——

Rai HARENDRA NATH CHAUDHURI: It is just for that reason that it is in order.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Secondly, the amendment indirectly seeks to extend the scope of section 6 and limit the scope of section 10 under which Government have power to fix the rate or rates by notification.

Rai HARENDRA NATH CHAUDHURI: Government may have the power, but the approval of the Legislature is necessary.

Dr. NALINAKSHA SANYAL: May I speak something on this point of order before you give your decision?

Mr. SPEAKER: Yes.

Dr. NALINAKSHA SANYAL: I am surprised that the point of order has been raised in the form in which my friend has raised. Probably he has been tutored to do it——

Mr. SPEAKER: You must withdraw that expression. I cannot allow any member to pass remarks which may cast personal reflection on the Minister or any member. I must maintain the dignity of the House. You should not say anything as to whether a Minister is tutored or untutored. In any case, the manner in which it has been used is wrong.

Dr. NALINAKSHA SANYAL: My friend has already read out a point of order. That is why I did use that expression. I have greater respect for his personal judgment.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I have not read out.

Dr. NALINAKSHA SANYAL: I am very glad that the Hon'ble Minister did not read out his objections. The section of the Act says this, "no expenditure shall be incurred for the construction of any improvement work in respect of which the Provincial Government intends to impose an improvement levy and no improvement levy shall be imposed in respect of any improvement work unless the Bengal Legislative Assembly has by a resolution recommended the imposition of an improvement levy in respect of such work." I am emphasising the article "an" in this section, and I submit that if my friend wants to take his stand on the section itself, he ought to have come forward with a specific levy and not obtain or seek to obtain a general power of imposing any levy. The Legislature, after very careful consideration indeed, had enacted this particular section, and it did not intend to give Government a wide power of choosing any and every levy whatever. The particular levy that Government propose to impose should come before the House and my interpretation, and I submit that you would also agree with my interpretation, is that Government should come forward with a specific levy; otherwise, no resolution can possibly come under the meaning of section 6.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: How can Government come forward with a specific levy before the scheme is brought into operation?

Dr. NALINAKSHA SANYAL: I therefore say that the resolution has been premature and Government ought to have considered the

whole scheme, calculated the whole matter before asking the House to accept a regular, definite formula and formulate the exact levy that is proposed to be imposed.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: After completing the scheme?

Dr. NALINAKSHA SANYAL: Yes; we do not want to have a taxation levy on the people without the scheme being prepared. I will argue about the justification of my amendment later on. I would only now draw the attention of the House to the point of order. I think that unless my amendment is accepted by the Hon'ble Minister in charge, or permitted by you, the resolution, as framed, would be a mere resolution by Government of a pious expression of wish, but will not come under the provisions of section 6 at all.

Mr. DHIRENDRA NATH DATTA: Even the intention must be declared by a notification under clause 3.

Mr. SPEAKER: As a matter of fact, so far as section 6 is concerned, before I give my ruling, I must say that there was a little mistake in our office. I did not see it, but this resolution should have been exactly in terms of section 6. The office made a mistake, because under our rules every resolution must be in the form of an expression of opinion. So the office put it in that form. Government of course sent it in the proper form. Though I am not perfectly satisfied as to the justification of the words, the language should have been: "This Assembly recommends that an improvement levy be imposed in respect of the area to be served by the Damodar-Hooghly Flushing Scheme." If I take it that the Government resolution is in the form in which they originally intended it, then the mistake which was committed in my office now stands corrected. But if the resolution stands in the form as originally given by Government, I personally do not see any reason, for the time being, as to why this House has not the right to discuss this resolution unless it is contradicted by any statutory provisions. If the statute says that the Government has the power to decide this question of rate, even then I take it that this Legislature has always the authority to give any direction which it wants to recommend. So far as the legal power is concerned, it is open to the House at any stage and in appropriate form to give an expression of its opinion as to how the power which is vested in Government should be regulated. That power is there unless the House were statutorily barred from doing so, and unless the Hon'ble Minister can satisfy us that this House is barred from taking cognizance of it or that it is a statutory duty which is completely vested elsewhere.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I only rise to point out that the resolution which has been brought forward is in accordance with section 6 of the Bengal Development Act and the House may either accept it or reject it. As I have already said, an amendment of the nature proposed by my honourable friend would only mean an indirect attempt to amend the section referred to by me.

Mr. SPEAKER: So far as Dr. Sanyal's amendment is concerned, it says that this Assembly recommends that an improvement levy should be imposed in respect of the area to be served by the Damodar-Hooghly-Howrah Flushing Scheme and is of opinion that the improvement levy should be at a rate to be approved by this House. So far as Government is concerned, it is a statutory provision, but so far as the House is concerned it is merely an expression of opinion.

Dr. NALINAKSHA SANYAL: Sir, may I have it worded in this form: This Assembly recommends that an imposition of an improvement levy be made in respect of the area to be served by the Damodar-Hooghly Flushing Scheme, and is further of opinion that the improvement levy should be at a rate to be approved by this House?

Mr. DHIRENDRA NATH DATTA: Sir, it is out of order.

Mr. SPEAKER: No, no; I hold that it is in order.

Dr. NALINAKSHA SANYAL: Sir, the amendment then that I am moving is in the following terms: that to the Government resolution as now amended the following be added, namely—

"and is further of opinion that the improvement levy should be at a rate to be approved by this House"

Mr. C. MORGAN: With regard to Dr. Sanyal's amended amendment, may I ask, Sir, how it fits in with section 10 of the Bengal Development Act?

Mr. SPEAKER: It fits in in this way that the general principle of constitution is that the Ministry is responsible to the Legislature and therefore this House has by resolution the right to recommend to Government any action which it thinks fit and proper, irrespective of any statutory provisions. Even supposing that the Government is required by a statute to do a thing, that does not take away the right of the House to give a direction to the Government as to how that should be carried out. That is how the thing comes about.

Mr. C. MORGAN: Will the amendment be taken up first?

Mr. SPEAKER: The amendment and the resolution will be taken up together. You can make observations generally on both the resolution and the amendment.

Dr. NALINAKSHA SANYAL: Sir, in moving the amendment that I have just read out before the House, I would first take the opportunity of welcoming the resolution moved by the Hon'ble Minister in charge though it has been a rather belated decision of the Government. After three years of functioning of this ministry, they have at last realised the gravity of the situation in Western and Central Bengal and have understood that unless the Government come forward to improve the Central and West Bengal areas by some bold measures, the whole population of the area would get completely annihilated in course of time. I also welcome, Sir, the resolution although belated again, because nearly 10 years ago this scheme was practically outlined by the then experts that Government took opinion of, and for nearly 10 years this proposal has been lying in the files of the Hon'ble Minister and his advisers in very many departments. I do realise the urgency of a measure of this character, and I also realise that there might have been some delay due to the embarrassment created because of certain agitation undertaken against the heavy and burdensome rates that were levied in the Damodar Canal area. I, however, seek to move my amendment to make the position perfectly clear as to what the public of Bengal would like to say in regard to measures of this character. On the floor of this House on many occasions in the past we have drawn attention to the serious conditions of the western, central and northern areas of Bengal due to want of proper drainage and irrigation facilities, due to the dying and decaying rivers, and we have also demanded immediate attention to these problems. We knew that there was some power provided under the Development Act, which power Government could exercise, and we also prayed that some day something more than what the Development Act contemplated would be enacted and boldly pursued. But our difficulty has been that the whole Irrigation Department of Government which is entrusted with this work did not receive that degree of attention which legitimately it should have obtained at the hands of the Government generally and at the hands of those who were responsible for preparing the distribution of Government funds amongst different departments in particular. It has been pointed out in the past that the Irrigation Department is considered to be a commercial department after all, and all projects that the Irrigation Department has to foster have to pay their own way. It has been also criticized on the floor of this House as a result of this short-sighted policy many a valuable scheme could not be pursued. I was as a member of the Public Accounts Committee last year interested in drawing attention to the state of affairs that was created in regard to the Damodar Canal Project and other irrigation schemes. It might

interest the House, because there are many members who do not have the same opportunity of looking into figures as some of us had, to know that in this Damodar Canal Project the original estimate was for a sum of Rs. 70,22,000 only which was sanctioned at first by the Secretary of State for India. The Government of Bengal thereafter sanctioned a revised estimate of Rs. 78,15,000 and up to the end of 1938-39 the total expenditure including indirect charges amounted to Rs. 1,22,45,000. After 13 years of completion this is estimated to amount about Rs. 1,98,00,000. It was originally estimated that this Damodar Canal Project would irrigate a total area of 191,000 acres. Up to the end of 1938-39, that is nearly three years after the final and formal closing was made, it irrigated an area of only 45,441 acres.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Why?

Dr. NALINAKSHA SANYAL: It did. It is for you to explain why. Possibly because Government had not had the project properly made out. It was a total engineering failure. (The Hon'ble Maharaja SRISHCHANDRA NANDY, of Cossimbazar: Question.) You might question Maharaja, because you are not an engineer. You know very well that unless you had a reservoir at the top to irrigate, you could not irrigate the area and make the scheme a success.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Can the honourable member address the Minister direct?

Dr. NALINAKSHA SANYAL: Sir, I would not like to introduce any heat into this discussion. I only wanted to draw the attention of the House to the manner in which Government schemes are prepared, the manner in which expenditure is incurred haphazardly, and the manner in which thereafter the public of Bengal are required to foot the Bill, and pay the expenses and meet the charges. I only wanted to draw attention to these facts with a view to justify my ground to move my amendment that whatever levy Government would hereafter propose to exact should have the approval of the Legislature. It is proposed in this scheme that the total area to be flushed and irrigated, not irrigated alone, but flushed and irrigated, would be 428,000 acres. The area that would be flushed surely would not have any improved agricultural products necessarily. That might have beneficial effect so far as the public health of that area is concerned. It is only the area that would be irrigated that would have some improvement in the crop production, if at all. (Mr. ABDUL WAHAB KHAN: Question.) Some of my friends question. For argument's sake I admit that the entire area flushed and irrigated would have its agricultural produce improved. The area would amount to 1,284,000

bighas at the rate of about 3 bighas per acre,—it is a little more though,—and it has been estimated here that the recurring costs including maintenance, interest, sinking fund and revenue establishment would amount to Rs. 20 lakhs so that the rate of levy that would work out would be something like Re. 1-8 or a little less. If on figures like this submitted to us we estimate the levy that is likely to be collected from the people, it would not exceed Re. 1-8 per bigha or Rs. 4-8 per acre in any case. If that is the position, I cannot understand why Government allowed so much suffering in the Burdwan area and tried to impose a heavy burden of Rs. 5-8 per acre, and is levying Rs. 2-9 at the present moment.

Sir, I have no faith, I frankly say, in such scrappy estimates as have been presented before us to-day. Some long-winded expressions have been used by the Hon'ble Minister in charge when he took the names of or rather quoted scriptures with reference to, Professor Mahalanobis and Professor Hotelling. These esteemable gentlemen have been asked to prepare on a random sampling basis the average yield per bigha or per acre of the areas to be benefited.

The Hon'ble Mr. H. S. SUHRAWARDY: You are a statistician too!

Dr. NALINAKSHA SANYAL: I hope my honourable friend knows that I took a degree in statistics and I am still teaching statistics in some of the University classes.

The Hon'ble Mr. H. S. SUHRAWARDY: Probably you know better than Professor Mahalanobis.

Dr. NALINAKSHA SANYAL: You may know more than everybody and the Maharaja, not I.

These two estimable Professors can at the most produce the average yield of certain large or small areas of the place, but that surely would not enable the individual cultivator to realize what actually is going to be his own improvement in each and every particular case.

The Hon'ble Mr. H. S. SUHRAWARDY: Why?

Dr. NALINAKSHA SANYAL: It would be no consolation to Mr. Suhrawardy to find that his neighbour is getting a large yield and thus on an average his field also will show improvement, although he was not getting any bigger crop. If the levy is on the average yield

worked out on such basis, there will be the same levy on him as well as on his neighbour, and he would be made to pay on that proposed or average yield including that of his neighbour. The whole scheme is defective to that extent. There is hardly any possibility of giving relief to individual and particular cases of hardship where actually there has not been improvement to the same extent as contemplated. I have carefully looked into the maps of the area going to be served. Broadly speaking, the northern line starts from Burdwan and goes somewhere near about 30 miles north of Kalna. The southern limit goes a little beyond Uluberia and it follows the Bengal-Nagpur Railway line. The eastern limit follows the river Hooghly, a few miles towards the west of the alignment of East Indian Railway including the Barharwa line, and the western limit is practically that determined by the river Damodar. This area has got very important railway alignments in it. We really do not know what contribution the Government has proposed to levy from these railways which have definitely brought ruin to the area now proposed to be improved. If there is any section of the population, or any institution that has to bear any charges for the improvement of health and land of this area, it should be the railways of this area that have brought this area to ruin and not the rate-payers of Bengal and the people of the area who had no knowledge as to why they were suffering.

Sir, I might incidentally mention here that the rate of rent paid by the tenants of this area—my esteemed friend Mr. Abdul Hakim will bear me out because he has personal knowledge of some of these areas—the rate of rent paid by the villagers is enormous and exorbitant, and those friends who come from Eastern Bengal area will be shocked to know that the rent per bigha in some of those areas that the people are made to pay is as high as Rs. 4-8 or Rs. 5 or Rs. 6 even. It is really unfair to expect that these people would be made to pay this high rate of rent while their land has deteriorated and the former yield which they were obtaining could not be maintained because of the action of the railways and other authorities, and Government would make the people pay through their nose because some other agencies have created a situation which was not their own making—a situation in which the Development Scheme has to be applied.

The defect lies in two directions. In the first place, the Development Act has to be suitably modified to enable the calculation of the entire cost not on the basis of providing a self-supporting scheme, but to enable the Irrigation and Flushing Project to be one of the usual beneficent schemes of Government towards which a part of the general revenues of Government should go or at least towards the responsibility for bearing interest for which a part of the general revenues of the province should be made liable. That is direction No. 1.

The second direction is that, before Government would come forward with proposals to levy charges on the people, the people have a right to know what they have done with regard to the railways that have actually devastated the areas.

I would not like to stand in the way of the scheme being put into action. We would welcome it. We had all asked for it, and the sooner it is introduced the better. But the engineering feats that have been mentioned make me very diffident if the scheme will at all be ever introduced—at least within our lifetime. It might be a good electioneering campaign for the Hon'ble Minister or other members of his party, and during the election that is coming up—or probably is being postponed till about four or five years—this scheme may be made use of as a very good weapon in the pocket of the Hon'ble Minister, and he may very well say, "I am proposing a very big improvement for half the province of Bengal, and give me your votes."

Sir, my first difficulty is that this reservoir in Bihar is still in the nebulous imagination of certain engineering experts. We do not know what arrangements have been made with the Government of Bihar and what contributions have been demanded by them, and how this is going to be given a practical shape.

With regard to the barrage at Burdwan, again, we have been told by experts that no barrage in a river should be attempted unless the Hydraulic Research Institute is actually established for the province and a series of observations are made over 20 years to find out the actual behaviour of the river. It is only after that, any attempt to obstruct the river should be made. So for 20 years more, this barrage is ruled out if expert advice is going to be followed.

Sir, I am not taking up other things because the blue light is already there. But I feel that these two engineering schemes will hold back the entire scheme for the next generation, if not more. I am not therefore very much alarmed at the levy, because the levy will not come unless the scheme is ready. I am only drawing attention of the House to the proposition that when the whole scheme will be ready, so that the levy actually to be imposed on the people might be then drawn up in the light of the experience then in possession of the Hon'ble Minister, that the actual rate should be fixed after approval of this House. The Hon'ble Minister himself in the course of his own observations stated that he could not propose any exact rate——

Mr. SPEAKER: Your time is up.

Dr. NALINAKSHA SANYAL: Sir, may I have only five minutes more to finish my speech?

Mr. SPEAKER: I am sorry, there are about six speakers from your side. So it will not be fair to give you more time.

Dr. NALINAKSHA SANYAL: Then, Sir, I would request you to allow me two minutes or at least one minute more to finish the sentence.

The Hon'ble Minister himself observed that no exact rate could be recommended as sufficient data could not be collected. I realise his difficulty, and I am fully at one with him. When he will have the data collected and when he will be in a position to make out the full cost-accounting, let him then propose actual figures for the rate of levy and come forward to the House and convince the House about the justification of those figures and get the approval of the Legislature. There should be no difficulty in accepting a proposal of that character, and I hope the Hon'ble Minister will accept it as it is.

Sir, there is just one other thing. The Hon'ble Minister has said that this is not merely a case of the Eden Canal Project under a new name. I have yet got to know why he seeks to justify the scheme in that manner. Of course, he has admitted that practically the whole Eden Canal area is being covered by this. In fact, it is something more than the Eden Canal area. We admit it, but surely when the Development Act was contemplated, it was said that the Eden Canal area would be excluded——

Mr. SPEAKER: Your time is up.

Dr. NALINAKSHA SANYAL: I therefore submit that the Hon'ble Minister would accept my amendment without any hesitation.

Khan Sahib Maulvi S. ABDUR RAUF: Mr. Speaker, Sir, in supporting the resolution moved by the Hon'ble the Minister in charge of Communications and Works, I wish to say a few words by way of suggestion and modification of the main scheme. This flushing scheme has been fully described and discussed with regard to its utility and advantage in the reports of many of the experts long, long ago, and the scheme could not be undertaken owing to the paucity of funds and objection on the part of certain sections of the people. The scheme will greatly benefit the district of Hooghly as well as a portion of the districts of Howrah and Burdwan. We know that a vast population of Hooghly, Howrah and Burdwan have been suffering for want of cultivation, sanitation, health and irrigation for years and years together. The population of the flushing areas are gradually being dwindled away owing to malaria and other diseases and for total

annihilation of crops year after year. They are making representation after representation to the authority, and they are also appealing to the popular Government with its members belonging to different parts of the province of Bengal.

Sir, before I actually come to discuss about the scheme and the resolution itself, I shall only appeal to my friends belonging to other districts to help us in this work of humanity and the relief of the people of the districts of Hooghly, Howrah and Burdwan. If I had sufficient fund at my disposal, then I would have invited all of my friends to go with me to travel and to see the numerous desolate and abandoned villages which were once sanatoriums. These villages have now become the abode of malaria and other diseases for want of proper channels and outlets for water. I hope that my friends will not entertain the step-motherly feelings for us, the people of Hooghly, Howrah and Burdwan, but will help us in this matter of great urgency and benefit. If we do not get their help, we shall be doomed for ever. So we are wistfully staring at them for their help.

Sir, the scheme is connected with the proposed improvement of a vast area in the districts of Hooghly, Howrah and Burdwan, and its fruition will mean elimination of malaria from that area and the crops there will be saved from the vagaries of rainfall and the river. As I have got scanty knowledge about the real situation in the district of Hooghly, I shall reserve my remark only for my district of Howrah. As for Hooghly there is my elder brother, Mr. Abul Quasem, who will speak for Hooghly and explain the matter more fully.

So far as I know, the southern boundary of the scheme will cover the Rajapur Jhil and thus only a small portion of this district will be benefited if it is not extended to Kendua area and the area covered by Kana Damodar and Saraswati. If these two areas are included in the scheme, then three-fourths of the district of Howrah will be benefited. These portions should be included in the scheme for the benefit of the major portion of the district of Howrah.

By virtue of my office as the Vice-Chairman of the Howrah District Board and owing to my intimate connection with the rural area of this district, I claim to have a thorough knowledge about the possibilities of drainage schemes in this district. First I should deal with the beneficial effects of the scheme, and then I shall show how by making some modifications, the benefit can be enlarged and a greater area can be embraced within the benefited area.

Sir, the scheme as I understand it, will consist in construction of a barrage across the Damodar which would hold up the water and divert it through the head regulator into a canal. Certain existing rivers will be used as distributaries for the water after suitable

improvement. The scheme also involves the improvement of the Saraswati and the Metia Khal and by the improvement of the Saraswati and the Metia Khal the congestion of water in the Rajapur basin will be relieved. The scheme will give twofold benefit. First, the silt water will reduce malaria and secondly the "gold" water of the Damodar will carry gold to regions which are bleak abodes of malaria and of abject poverty due to an insufficient return of crops. The improvement levy will neither be a ruinous nor a colossal figure. The Development Act provides a suitable safeguard against the levy. There is provision in the Act for abatements and remissions. It is my decided opinion that the scheme of irrigation is worth having. The margin of benefit would be so big that the risk to anyone would be small and the assessment system is such as to give everyone a fair show. Now I shall deal with the modifications that should be made in the scheme. In the heart of the district of Howrah there is a vast swampy land known by the name of the "Kendua Beel," Government once took up a drainage scheme for the improvement of drainage in that area. Some work was done in connection with the scheme, some expenditure was also incurred, but ultimately the scheme did not ripen and the people were left to their fate. Any big drainage scheme for ameliorating the condition of the district of Howrah, if effected, should embrace that area. For that purpose the southern boundary of the Hooghly-Howrah Flushing Scheme should cover the swampy fields in the Amta thana. If the scheme as formulated be carried and the Amta thana and the major portion of the Jagatballavpur thana be left out of the pale of its benefit, there will be no all-round achievement in the district. There is no reason why the major portion of the district should be denied the advantage. A large population dwelling in and around this marshy area, living on precarious harvest, suffering from malaria, such is the gloomy picture of the people in the Amta basin. Since I began my public life, I have set about in right earnest to improve the lot of these people, and now that opportunity presents itself, I think the question of ameliorating their lot should be fully considered. Moved by the harrowing condition in the Amta basin, the popular District Magistrate of Howrah, Mr. M. M. Stuart, I.C.S., is trying heart and soul to resuscitate the dying and dead *khals* in this basin. I am glad to say that he has already made some headway for which he has gained an everlasting gratitude from the people of the district. I think it will not be out of place to mention here that the Hon'ble the Revenue Minister kindly paid a visit to the Amta basin and he was fully impressed with the improvement work already done there and the necessity of further improvement work. I think he will be good enough to agree with me that the Amta basin should be included in the orbit of the Howrah-Hooghly Flushing Scheme so that the lot of the poor people there may be improved and the district as a whole

may reap the benefit. Moreover, if the southern boundary of the scheme embraces the Amta basin, the probable danger of the land lying between the Amta basin and the Rajapur basin being waterlogged will be averted for good and all.

With these few words I whole-heartedly support the resolution and request my other colleagues to support it for the sake of humanity.

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. TARAK NATH MUKERJEA: Mr. Speaker, Sir, I rise to support the resolution so ably moved by the Hon'ble Minister in charge about the Burdwan-Hooghly-Howrah Flushing Scheme. I most warmly congratulate the Hon'ble Minister in charge, who, as the wealthy scion of a great and noble family, has taken up this really very useful scheme. Sir, to us, it is a problem of all problems, a problem of vital magnitude. Within the short time at my disposal, it is not possible for me to enumerate with all its details the urgent and imperative necessity of this scheme. In fact, these unfortunate districts with its problems peculiar of its own stand on a different footing with the other districts in the province. Sir, these districts were once very prospersous in every respect—from the point of industry, trade, commerce, agriculture and last, but not the least, general health and culture. The lands were extremely fertile and highly productive, and with excellent health, the people of the localities had their own trade and commerce and as they earned well, they used to pay equally well not only their rents and other dues but also for the welfare of their country. With the tenantry in general the zemindars were equally prosperous. It is a well-known fact that in these districts most of the public institutions like schools and college, tols and maktabs, charitable dispensaries and houses for the infirm, big tanks both for irrigation and for drinking water-supply, etc., and works of public utility like roads, bridges and embankments are the outcome of the public-spirited munificence of the well-to-do people of the districts. That the people were really very prosperous will be evident from the fact that the proportionate amount of land revenue in Hooghly and Burdwan are highest and the average rate of rent payable by the cultivating *raiyat* is equally high, as compared with any other district in the province. Incidence of taxation per head of population is also highest in Burdwan and Hooghly. But unfortunately its all-round conditions have undergone a tremendous change during the last 60 years. With the silting up of the rivers and other water-courses the irrigation facilities have been completely ruined and the agricultural prospects are fast dwindling down, and along with it the health condition of the people has tremendously deteriorated.

With the closing of the water-channels most parts of the country have become water-logged and its effect both on agriculture and public health can be well conceived. The health of the people has been so much run down and shattered that now even the agricultural operations, which are the principal and only source of living of over 90 per cent. of the population of these districts, are being carried on in most cases with hired labour coming from outside the province. In fact, in Hooghly district about 70 per cent. of the actual tillers of the soil are now foreigners. The result has been as disastrous as it could possibly be. Even at a very optimistic estimate, from a small district like Hooghly with only about 1,200 square miles in area more than 10 lakhs of rupees are now being annually drained in the shape of hired agricultural labour. Besides, with hired labour the actual outturn of the agricultural produce has also come down. This huge annual drain coupled with all-round loss to the people due to increasing sickness and poverty have rendered the people more dead than alive. The silted and dried up water-channels prevent proper drainage of water and this water-logged condition renders the whole area extremely damp and unhealthy and greatly diminishes the fertility and productivity of the soil and last but not the least it is creating a havoc by enfeebling the entire population and rendering it too weak physically, mentally and economically to stand as a part of the growing nation. The total cropped area in Hooghly has been as follows:—

	Acres.
1890 ...	5,41,400
1901 ...	4,91,300
1931 ...	2,93,900

Thus within a period of 50 years there has been an alarming shrinkage of 45 per cent. of the net cropped area in the district. These facts have been very clearly and emphatically proved by that eminent economist, Dr. Radhakamal Mukherjee, PH.D., at page 90 of his memorable book "Changing Face of Bengal." Sir, the establishment of a very large number of charitable dispensaries, at least one in each union, sinking of the largest number of tube-wells, at least one in each and every village, free and intensive distribution of quinine and active health propaganda, establishment of a very large number of public health societies, establishment of a very large number of primary schools, improvement of communication facilities, operations of the Bengal Agricultural Debtors Act and Bengal Tenancy Act, efforts of the Agricultural and Industries Department have no doubt their value and utility in their respective spheres, but nothing has yet been able to effect an appreciable improvement in the lot of actual agriculturists either physically or economically. The incidence of and mortality from malaria is still on the increase. With my close and intimate knowledge

of the actual conditions in the rural areas of my district extending over a period of about 20 years, I may say without any fear of contradiction that the real remedy lies not in the curative steps and other tinkering measures, but in active and extensive preventive measures—measures which will really effect a lasting improvement in the health and wealth of the people. After all, it is prevention and not merely cure which is and should be our aim. The improvement of the drainage and irrigation facilities is the most urgent and imperative necessity, and this in its turn will surely improve the agricultural and sanitary and ultimately economic condition of the people. So, in order to effect a permanent, lasting and real benefit, the only course is the course originally suggested by Dr. Bentley and fully supported by Sir William Wilcocks; this flushing scheme by which the whole area lying between the Damodar and the Ganges will be provided with necessary water-channels through which the whole area will be flushed with the rich flood water of the Damodar. Along with it, all the tanks, ponds, and all other channels will be flushed and filled with water rich with fish spawns and the fertility of the soil will be immensely improved with the rich silt of the flood water. Thus the timely supply of water will be guaranteed and this in turn will guarantee the regular outturn of the agricultural produce. The public health and agricultural and economic conditions will be immensely improved. Ours is an agricultural country and we feel that our supreme duty is to make the lives of the people in the villages worth living from economic, physical and sanitary points of view. The situation in the country is no doubt very grave, serious and alarming. A desperate disease requires a desperate remedy. The people of all castes, race, religion and creed met at a public meeting at Chinsurah on the 24th June, 1939, under the distinguished presidency of Mr. J. N. Basu, M.L.A., and most earnestly urged upon the Government the urgent and imperative necessity for taking immediate steps for the scheme. A most representative deputation met the Hon'ble Minister in charge on the 13th September, 1939, for the same purpose and handed over to the Hon'ble Minister a very largely signed public memorial for this.

So, if we desire to promote the health of the people, the bettering of their all-round conditions—physical, mental, sanitary, agricultural and economic—then this self-supporting scheme should be taken up at once. In the name of the poverty-ridden, flood-bitten, malaria-stricken and famished people of these districts, I earnestly appeal to you all not only to support this resolution but also to urge upon the Government to take immediate steps for its actual execution at once and thus to save the people from this impending utter distress and ruin. Before I conclude I would only like to add a few words more regarding the amendment moved by Dr. Sanyal. Unfortunately, Sir, I am neither a doctor nor an engineer myself. But I fail to understand how it is possible to fix

a flat rate about the improvement levy in view of the fact that the conditions of the land for which the improvement levy will be charged are widely different in different places, and so it is not in any way possible to fix a maximum or a minimum or any fixed rate as the improvement fee for the whole area which will be benefited by this.

With these few words and with these observations, I wholeheartedly support the resolution, which has been so ably moved by the Hon'ble Minister.

Mr. C. MORGAN: Sir, I would put before the House in a few words the views of my party with regard to this resolution. We are definitely in favour of schemes of this description. That I may say at the outset, but there are certain circumstances connected with this scheme at the present moment, which I should like to put before the House. I will not make any remarks about section 6, because some of my friends have spoken and rulings have been given on what the actual meaning of section 6 is. Anyone can read it in the Act for himself. But, Sir, my party is not in favour of proceeding with the construction of irrigation work of this magnitude during war time. I understand from the figures given to us that for this scheme an estimate has been made of Rs. 310 lakhs and this is a pre-war estimate. If this is the case, the estimate will now be considerably increased on the basis of war prices. The prices of materials have risen considerably, and I doubt if Government would be able even to obtain the necessary materials at this time. In any case, in our opinion this is not the time to raise a loan of over Rs. 3 crores. On the other hand, Sir, if it is the Government's intention not to proceed with any construction work during war time, but to go on with their crop-cutting experiments and the preparation and analysis of statistics, then we have no objection to this resolution put forward by the Hon'ble Minister. We would, in fact, welcome this work being done, as it will provide valuable statistical data for the future.

Before we can actually give our support to this resolution, we would like an assurance from the Hon'ble Minister that Government will not proceed with any construction work in connection with this scheme during war time.

Now I differ in my next remarks from what Dr. Sanyal put forward. My Party considers it to be of the utmost importance that irrigation schemes of this nature should be self-supporting, that is, that the rate of levy should cover maintenance, interest, sinking fund and revenue establishment charges. No part of these charges should fall on the revenues of the province, otherwise it will be impossible for the Government to proceed with further irrigation schemes which are so badly needed in this province. The Development Act provides that the rates

may not exceed one-half of the estimated benefit to the cultivator, and I do not think the imposition of such a rate can on any ground be regarded as a hardship to the cultivator.

I have in view particularly the history of the Damodar Canal Scheme, which I hope will not be repeated with this scheme. There a rate of Rs. 5-8 per acre was levied under the Development Act, but as a result of agitation it was reduced to Rs. 2-9. I mentioned these figures because Rs. 2-9 represents rather less than 3 per cent. on the capital cost of the scheme, and therefore the scheme is not self-supporting and general revenues have got to bear the difference.

Sir, there is one further point on which I would like an assurance from the Hon'ble Minister. It is well known that at present the river Hooghly is suffering from a decrease in the flow of water, and I would like an assurance from the Hon'ble Minister that Government has been advised that the scheme will not interfere with the flow of water into the river Hooghly.

With these assurances, which I have no doubt will readily be given, I support the Government resolution.

Kazi EMDADUL HAQUE: Mr. Speaker, Sir, the Hon'ble Minister for Irigation has come before this House asking for our concurrence in the matter of the imposition of an improvement levy in respect of an area to be served by the Damodar-Howrah-Hooghly Flushing Scheme. The object is no doubt laudable, but the manner in which it is sought to be done is what we do not like. Sir, I may say at the very outset that my hairs stand on end when I hear about the imposition of any tax whatsoever upon the poor cultivators. They are already paying what may be called the last straw on the camel's back. There is hardly any paying capacity left on the part of the cultivators. So, this is not an opportune moment when the Hon'ble Minister should come forward with a scheme like this. The whole peasantry of Bengal are groaning under a heavy burden. Though we know the conditions of these poor cultivators, actually we do not feel for them. We may say that we feel for them, but unless we put ourselves in their position and see how hopeless their condition is, we cannot feel for them. We can picture in our minds and imagine that these are the difficulties which the poor peasants suffer from, but we do not actually feel for them. That is why it has become possible for Government to come forward with a taxation scheme. The reason given is that this flushing scheme will benefit the peasants. But where is the guarantee that it will do so? Has it been put to any test? The scheme has not been experimented yet. Only a scheme has been formulated, but it has not been put to any test. Whether it will produce the desired result or not remains to be seen. Government can ask for the approval of this

Assembly for the imposition of an improvement levy only when it can be said with certainty that we find on experiment that such and such a result has been obtained. Unless the scheme is put to the test, unless the scheme is undertaken and after two or three years it is demonstrated that it has resulted in the increased outturn of agricultural products——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Will you support then?

Kazi EMDADUL HAQUE: Yes, only then but not before. How do you know of the increase beforehand? There would still be some room for doubt as to whether the increase would come as a result of your flushing scheme. If by experiment for a number of years—at least for three years—you could show to the world that such a benefit which has come to the tenants has come to them as a result of this scheme, then, of course, there would be some force in it. That would supply a datum for your taxing the people. But unless we see the result, how can we say that such a result will come? So, after we see first that it has been put to trial and that it has yielded an increased produce to the cultivators due to this scheme, then, of course, there would be some justification on the part of the Hon'ble Minister to come forward with a scheme like this, but not before that. Simply one year's result will not suffice, because increased produce may be due to many adventitious circumstances as well. So, before the Hon'ble Minister comes forward with a scheme like this, it is necessary for him to show to the cultivators beyond any shadow of doubt for two or three successive years that they are getting additional outturn of produce due to the scheme. But even then, it has to be considered whether that would be the proper time for asking the cultivators to shoulder this burden of additional taxation because there can be no doubt that the cultivators have come to such a position that they can ill-afford to pay any more taxation. Here the Hon'ble Minister has not taken the budgetary condition of the tenants into consideration. Unless he can put the tenants in a solvent condition, he cannot fairly ask for any more taxation which they are not in a position to pay. If after meeting the necessary expenses the cultivators can lay by anything, it is then and then only that the Hon'ble Minister would be in a position to come forward with a scheme of new taxation.

Sir, besides this, there is another question. The Hon'ble Minister has now been put to the necessity of taking recourse to such a flushing scheme, but why? He has been compelled to take up this scheme due to the decadence of the river, but who has caused the decadence of the river? It was artificially done. The natural flow of the rivers was choked by the construction of big bridges over

these rivers by the Railway Companies. It is the Railway Companies that have brought the cultivators to such a pass. As the decadence of the rivers is mainly due to the construction of big bridges over these rivers by the Railway Companies, it is only fair that the Railway Companies must be made responsible for it. The Hon'ble Minister must ask them to share the cost, to bear the burden of this project; at least the lion's share of the cost must be borne by them. Has he not the courage to ask the Railway Companies to bear that burden? If the natural flow of the rivers had not been choked, then the cultivators would not have been required to pay any amount whatsoever in the shape of tax. But because the natural flow of the rivers has been choked by the Railway Companies by constructing big bridges over the rivers here and there, that is why the cultivators have come to such a pass. So, the Hon'ble Minister instead of asking the cultivators who are not responsible for it to bear this burden should ask the Railway Companies to bear it. I hope, this aspect of the matter should be taken into consideration by the Hon'ble Minister. Sir, with these few words, I support the amendment moved by Dr. Sanyal.

Mr. PRAMATHA NATH BANERJEE: Mr. Speaker, Sir, at this late hour of the night and before a thin House, I can scarcely give expression to my feelings of pleasure at the discussion to-night. Most of the speakers are agreed on a question of principle. The question of principle in this world is a very important factor in human life and the question of principle, so far as this recommendation is concerned, is the question of flushing—flushing the Western Bengal districts, irrigating the Eastern Bengal districts. I wish, Sir, that some system of flushing was invented for the purpose of flushing away the filth and the bitterness which now persist in this province. I take it that the Hon'ble Minister for Irrigation has only taken the first preliminary step in that direction. There has been a universal chorus of congratulation on the scheme. I shall not go so far as my friend, Kazi Emdadul Haque, to say that the scheme must not only be presented before this House in a complete form, but the scheme must operate before this House will be called upon to accord sanction to the scheme. If the scheme operates, then it ceases to be a scheme. Nor can I possibly agree with my esteemed friend, Mr. Morgan. His speech is a halting support of a "mighty" flushing and irrigation scheme. He talked about the war. I think, he himself and his party realise to-night that no scheme could be put into operation because of the existence of a state of war in a country far away from this——

Mr. C. MORGAN: On a point of personal explanation, Sir. This is not the meaning of my words at all. It is from the financial point of view that I referred to it.

Mr. PRAMATHA NATH BANERJEE: Sir, I am very glad to hear the personal explanation of Mr. Morgan. English is not my mother tongue as it is the mother tongue, I suppose, of Mr. Morgan. But a journal, with which many of my friends to the left are connected, the other day in another connection made a statement to the effect that why should the pretext of the war be taken shelter under for the purpose of preventing a progressive Government like the Government of Bengal from carrying through its schemes of reconstruction, specially in view of the election that is forthcoming? My friend Mr. Morgan also mentioned two things in connection with what he now calls the financial implications of the war. The first is that machinery may not be available. Of course, this is true, as there is a good deal of risk in the trade route between England and India. But machinery may be available from elsewhere. The second is that expert advice may not be available to the Government. Well, I am glad that expert advice is a point which has struck the tender conscience of my friend, Mr. Morgan. (Mr.G. MORGAN: Not at all.) He says "Not at all." I am glad to hear, Mr. Speaker, that he has no conscience. (Laughter.) Mr. Morgan further made an appeal, a fervent appeal, to the Government of Bengal that no scheme should be brought into operation which would impede either the limpidity or the crystal-clear flow of the river Hooghly. As a pious Hindu, although suffering from submersion, I may say that we have great veneration for this river. Mr. Morgan's grounds are possibly different from those of mine; mine is sacerdotal, his are politico-commercial. He was thinking of the numerous smoke chimneys which emit smoke which travel beyond light-blue ether. Mr. Speaker, so far as the scheme is concerned, I am frankly of opinion that some such scheme should have been put into operation many years ago. The Hon'ble Minister stated that in 1863 some such idea germinated in the mind of some great engineer. If that scheme were put into operation late in 1863, then the Burdwan fever would not have come to this province in 1865. I do not like two things in connection with this scheme, and, therefore, I should desire to have a clear assurance on these two points. The first is with reference to the completion of the scheme, not the completion in the sense in which my friends to my left argued, but we must have a complete scheme before us before the Government of Bengal should ask this House to embark upon this huge financial expenditure. What I mean to say is this, that the construction of a reservoir at Barakar will depend upon the consent of the Government of Bihar. The cutting of a sluice gate at Amta will depend upon the sweet will of the Government of Bengal, and, I am sure, that that sluice gate will be properly christened. One was christened and recently given the name "Anderson Cut" and the other will be surely "Srishchandra Cut." (Dr. NALINAKSHA SANYAL: We might have one more.) The experience of the Damodar Canal has been somewhat disconcerting not on

the ground put by my friend Mr. Morgan, but the levy under the Development Act of 1935 had to be reduced from Rs. 5-8 per acre to Rs. 2-9. This had to be done by the Government owing to the poverty of the people in that canal and malaria-stricken area after its failure to convert it into a "Law and Order" area as well. The experience is valuable. As my friend Dr. Sanyal has put it, the original estimate for the Damodar Canal Scheme was Rs. 76 lakhs and the estimate sprang up to Rs. 1 crore and 23 lakhs. I was consulting many of the blue books issued by the Government of Bengal in connection with irrigation projects and schemes which were never carried into execution, and I found that in the next ten years' time this sum of Rs. 1 crore 23 lakhs will go up to Rs. 1 crore 97 lakhs. Luckily for this Provincial Government there appeared, I should not say a god-mother, but I should say a god-father, in the person of Sir Otto Niemeyer, and according to his dispensation, the total obligation of the province of Bengal to the Government of India over this scheme was wiped out. The Government of Bengal may not be so happy in the near future and, according to the scheme propounded by the Hon'ble the Maharaja, the scheme will cost us somewhere between Rs. 2 crores 67 lakhs and Rs. 3 crores 10 lakhs, that is to say, according to his arithmetic, there will be a difference of roughly about Rs. 50 lakhs. The estimate indeed does credit to the engineering qualities of the framers of the scheme and of the mathematical accuracy of the sponsor of it. But, Sir, what I fear is that Rs. 3 crores 10 lakhs may jump up to 4 crores 20 lakhs.

Mr. SPEAKER: How did you come to these accurate figures?

Mr. PRAMATHA NATH BANERJEE: My figures are very inaccurate, but perhaps they are more accurate than the accurate figures given by the Hon'ble Minister for Irrigation. The Hon'ble Finance Minister is a great mathematician, and I notice he is absent from the House. Unfortunately, I cannot get my figures checked through his intervention, interruption and interjection.

The point which the Hon'ble Minister for Irrigation stresses is that the scheme must be a self-sufficient one. If the scheme is to be a self-sufficient one, then at the rate of 6 per cent. interest on the capital embarked the area which will be benefited by the scheme must yield an annual income of more than Rs. 20 lakhs. The Hon'ble the Irrigation Minister has painted the future in rosy colours. I am not using any unparliamentary expression which might have been used by my friend Dr. Sanyal earlier in the debate to-night, but I would simply say that the picture which has been drawn either by the Hon'ble Minister or by some other painter in Bengal has been slightly overdrawn. Now the Hon'ble the Minister for Irrigation supposes that the yield will be

at least 9 maunds per bigha on an average, that is to say, Rs. 18 per bigha at the rate of Rs. 2 per maund which has been the price fixed by the Government of Bengal. We all have ideas about the production and yield of the paddy crop in Bengal. Nobody has better ideas than the Hon'ble Minister who owns a vast estate, and I am sure, that his estimate is an overdrawn estimate.

The second question is this: Why should the incidence of taxation rest merely upon the lean shoulders of the poor *raiyats* and poor *raiyats* alone? They will not be the only persons who will be benefited by this scheme. Shall I venture to mention the railways? They are outside the orbit of this Legislature, and they are very strongly and powerfully supported by both bombers and fighters towards my left.

The municipalities and urban areas, the mills for instance, will equally derive benefit from the scheme. If so, they must all pay. Let not the story of the imposition of the levy over the question of the erection of the new Howrah Bridge, which has quite a romantic history behind it, be repeated in this connection. In the case of the Howrah Bridge, it may be within the recollection of many members of this House, the levy was imposed upon the passengers, but not upon those persons for whose benefit the bridge was supposed to have been primarily constructed. Somebody, perhaps some *faquir* as a *musafir*, cursed the construction of the bridge with the result that the two legs of the bridge are still limping and washing their feet in the clear water of that sacred river, mother Ganges.

Mr. Speaker, there is another aspect of the question which requires notice and that is this: so far as the present scheme is concerned, the Hon'ble Minister expects that the maximum which was imposed in the Damodar Canal area may probably be imposed in this area also. Let him disabuse his mind of any such idea. I am glad he says that the Damodar-Hooghly-Howrah Flushing Scheme is not a continuation of Eden Canal Scheme. Whoever may have been responsible for the construction of that scheme certainly was a great poet. He gave the name "Eden Canal." The Hon'ble Minister is perfectly aware that Government is not in a position to supply water to the people, and yet the levy is between Rs. 3-8 and Rs. 4-8 per acre, that is to say, more than the levy in the case of the Damodar Canal area. Whether the Damodar Canal area is less grand, less beautiful, less healthy, less productive than the Eden Canal area is a question which I shall leave the Hon'ble Minister for Irrigation to answer. The question of reduction of rate in the Eden Canal area engaged his attention, and the attention of the Hon'ble the Chief Minister, but they are Sphinx-like setting over the desert of desperation of poverty and want.

Then, Sir, there is one other question and I have finished, and it is this. Assuming for a moment that the scheme proves a success,

then what happens? If the scheme proves a success, then should the cost of the scheme be borne by the people of the locality alone? Why not the whole province? I am not saying that the whole cost, the whole incidence of taxation should be borne by the whole province. I am too familiar with the principle of justice, equity and good conscience, and I am also too familiar with the geographical, racial, linguistic and religious divisions in Bengal to be able to ask that the whole incidence of taxation for bettering the health of the province should be borne by the revenues of the province.

I hope the question of levy may be brought forward before this House after the scheme has been completed. Otherwise, our experience about such public works charity is somewhat sad. He must have been a humorist who once called the Public Works Department of the Government as the Public Waste Department. I do not go so far as that. After all, the department claims as much protection from this House as any other department. Therefore, Sir, I expect that a completed scheme after having obtained the consent of the Government of Behar, a completed scheme fully realising the financial implications of it and the question of incidence of taxation should be brought forward before this House for approval. If it is supposed that this scheme will prove a commercial success, then, Sir, such ideas must finally be exploded from the mind. I agree that the scheme may not take operation at all, not merely on fiscal grounds. The Hon'ble Irrigation Minister expects that he will be in a position to raise a loan. I am very much afraid of the loan. Can I hope that the Reserve Bank of India will give the necessary facilities to the Government of Bengal for the purpose of raising this loan of 3 crores and 10 lakhs of rupees at 6 per cent. per annum? If the Reserve Bank of India fails to hold out any such pleasant prospects to the Government of Bengal, then can I hope that this Government of Bengal will be able with its present credit to raise a loan of Rs. 3 crores and 10 lakhs within a measurable distance of time? My friend Mr. Nalini Ranjan Sarker sitting to my left in his last Budget speech, his swan song, proposed to raise a loan of Rs. 1 crore for the purpose of meeting expenditure on utility services in this province. The loan has not yet been raised—could it be raised ever after his premature resignation from the cabinet? When the last Budget was passed, we were faced with a deficit of Rs. 45 lakhs, so that the financial prospects of raising a loan are not at all very bright. So if the Hon'ble Minister starts work in a great hurry, it will not probably be completed; this House will most certainly be called upon to foot a new taxation measure. Whether the taxation measure will be confined to the sale tax, about which there are ugly rumours in the market, I do not know, but this question of finance and the incidence of taxation—they are the concomitant variations of the scheme—must not be lost sight of.

Therefore, Sir, I support the amendment moved by my friend Dr. Sanyal. The amendment is very reasonable and it only seeks to impose an obligation upon this House. The question of demand is a question for the Crown. The question of grant is a question for the House, and the question of appropriation is the monopoly of this House. I support the amendment of Dr. Sanyal. (Cheers.)

Mr. ADWAITA KUMAR MAJI: Mr. Speaker, Sir, আমি ডা: নলিনাক্ষ সান্যাল মহাশয়ের সংশোধনী প্রস্তাব সমর্থন করি। বর্দ্ধমান চাকলায় প্রাকৃতিক নিয়মে পূর্ব্বকালে ভদ্রুকা, বেহুলা, গাঙ্গুর, দামোদর, কানা, সরস্বতী ও বাঁকা প্রভৃতি যে সমস্ত নদীর দ্বারা সেচের ব্যবস্থা ছিল তার ফলে বর্দ্ধমান জেলাটা প্রকৃতই বর্দ্ধমান এই নামের সার্থক হইয়াছিল। বর্ত্তমানে মন্ত্রী মহাশয় যে বর্দ্ধমান, হাওড়া, হুগলী জেলার জল সেচ সংস্কারের জন্য যে পরিকল্পনার ব্যবস্থা কোরতে অগ্রসর হোয়েছেন—ইহা বাস্তবিকই খুব সুখের বিষয়; এবং আমি আশাকরি বাংলা দেশের প্রত্যেকটী জেলায় যে সমস্ত হাজা মজা নদী খাল প্রভৃতি আছে সেগুলি সংস্কার করে যাহাতে বাংলার কৃষিকার্য্যে উন্নতি হয় তাহার তিনি ব্যবস্থা কোরবেন।

আমাদের সাম্নে আজ মন্ত্রী মহাশয় যে পরিকল্পনার সামান্য একটু আভাস দিয়েছেন, সে সম্বন্ধে আমার কিছু বলা দরকার বোলে মনে করি। তিনি বোলেছেন যে for improvement of the soil এবং সেটা দামোদর নদ হইতে পলিমাটিওয়ালা জল প্রাকৃতিক ও কৃত্রিম কতকগুলি খাল দিয়ে চালিয়ে নিয়ে ঐ অঞ্চলের সেচ কার্য্য সম্পাদন করে কৃষিকাজের উন্নতি করাই হবে তাঁর পরিকল্পনার উদ্দেশ্য। এই উন্নতি প্রমাণিত হ'লে তবে Development Act অনুসারে জলকর ধার্য্য করা উচিৎ। ডা: সান্যাল যে বলেছেন, বর্দ্ধমানবাসীরা এই আইনের বিরুদ্ধে আন্দোলন করেছিল তার সবিশেষ কারণ ডা: সান্যাল নিশ্চয়ই অবগত আছেন। সেইজন্য বর্দ্ধমান জেলায় দামোদর ক্যানেলের ফলে যা ঘটেছে সেটার পুনরাবৃত্তি যাতে না ঘটে মন্ত্রী মহাশয়কে সে দিকে দৃষ্টি রেখে চলার জন্য আমি অনুরোধ করি। বর্দ্ধমান জেলায় জমির যা অত্যাধিক কর তা তিনি অবগত আছেন। ঐ অধিক রাজস্ব, এবং উৎপন্ন ফসল যে বর্ত্তমানে কিরূপ হচ্ছে তাহা সকলেই জানেন। তার উপর দামোদর ক্যানাল্ areaতে ৫৷৷০ টাকা জলকর নির্দ্ধারিত হোতে পারে না। সেই জন্য Development Actএর বিরুদ্ধে বর্দ্ধমান canal বাসীগণ আন্দোলন করতে বাধ্য হয়েছিল, এই Actকে ধ্বংস করতে নয় তার দোষ ত্রুটী সংশোধন করতে। অবিলম্বে এই Development Act এর amendment হওয়া বিশেষ প্রয়োজন। এখানে পরিকল্পনার বাতাসে তার objectsএর মধ্যে দেখ্‌ছি Irrigation, improvement of the soil by the deposit of silt and improvement of public health. Irrigation না হয় কোন রকমে হতে পারে, কিন্তু improvement of the soil by the deposit of silt সেটা যে হ'বে না, যদি Damodar Canal area মত কথা বলেন। ঐ বিষয়ে আমার ব্যক্তিগত অভিজ্ঞতা আছে। তৎকালীন Rural Development Commissioner Townend Sahib

দামোদর খাল সম্বন্ধে বলেছিলেন, এই খাল দিয়ে দামোদরের স্বর্ণ পানি আসছে এসে এই অঞ্চলে সোনার ফসল ফলছে। মন্ত্রী মহাশয়ের কথা শুনে আমার সেই কথা মনে পড়লো, কাজেই এখন দামোদর খাল অসলে সোনার ফসলও হয় না, ধানের ফসলও সেইরূপ বৃদ্ধি পায় নাই। মন্ত্রী মহাশয় পরে জনস্বাস্থ্যের উন্নতির কথা উল্লেখ কোরেছেন। এবং আমার বন্ধুবর আবদুর রউফ সাহেব খুব আনন্দ করছেন ও বক্তৃতাতে বলেছেন এতে ম্যালেরিয়া দূর হবে এবং লোক জন স্বাস্থ্যবান হবে। মিঃ রউফ সাহেব বোধ হয় জানেন না যে দামোদর খাল সম্বন্ধে expert Dr. Bently সাহেব বলেছিলেন এই খালের পরিকল্পনা কাজে পরিণত হ'লে ঐ অঞ্চলে flushing দ্বারা ধৌত হয়ে ম্যালেরিয়া দূর হবে এবং ঐ অঞ্চলের জমি সকলে সেচ দ্বারা কৃষিকাজের উন্নতি হ'বে কিন্তু উহা কাজে পরিণত হয় নাই। দামোদর canal areaতে ম্যালেরিয়া যাতে না হয় ঐ স্কীমের প্রধান উদ্দেশ্য ছিল, কিন্তু হায় বড়ই দুঃখের বিষয় আজ সে area ম্যালেরিয়ায় পরিপূর্ণ। আমারও তাই মনে সন্দেহ হয় জনস্বাস্থ্য উন্নতি না হয়ে দামোদর canal area অঞ্চলের প্রত্যক্ষ ফল পুনরাবৃত্তি হবে।

তারপর এডেন ক্যানাল্ অঞ্চল। এডেন ক্যানাল অধিবাসীরা এখনও ৪৷৷০ ও ৩৷৷০ টাকা হারে জলকর দিয়ে নিজেদের কৃষিকাজের উন্নতি করতে পারে নাই। সেই এডেন ক্যানেলের যে পরিকল্পনা এখন পর্য্যন্ত সাফল্যলাভ করতে পারে নাই, কারণ ঐ canal প্রয়োজনমত জল দিতে পারে না, এবং দামোদর canal অঞ্চলে জলকর যদি ১৷৷/০ হতে পারে ইডেন অঞ্চলে অনেক কম হওয়া দরকার। তারপর এই বর্ত্তমান flushing scheme দামোদরের পূর্ব্বে ঐ ইডেন অঞ্চলের মধ্যে পড়ে, কাজেই নূতন করে ঐ কর ধার্য্য করা উচিৎ। বর্ত্তমান যে কর ধার্য্য সেটা আমি যুক্তিযুক্ত মনে করি না। শ্রীযুক্ত তারকনাথ মুখার্জি বোলেছেন যে development areaতে কি রকম উৎপন্ন ফসল হবে, না দেখে maximum rate ধার্য্য করা যেতে পারে না। তিনি বোধ হয় অবগত নহেন, যে Bengal Development Actএ দামোদর ও ইডেন ক্যানেল অঞ্চলে maximum rate নির্দ্ধারণের বিধি লিপিবদ্ধ আছে? আর একটা বিষয় হোচ্চে এই যে flushing scheme যে সমস্ত areaতে কার্য্যকরী হবে সেই সমস্ত areaতে capital cost with interest ছাড়া প্রজাদের কাছ থেকে আর কিছুই আদায় করা উচিত নয়। যে সমস্ত স্থান বহু দিন পর্য্যন্ত প্রাকৃতিক দিয়েব প্লাবিত হোয়ে এসেছিল, আজ সে সকল স্থানের এ অবস্থা কেন হোয়েছে—তা মন্ত্রী মহাশয় অবগত আছেন। সেই জন্য আমার মনে হয়—যেমন জন শিক্ষার জন্য, পুলিশের জন্য, স্বাস্থ্যের জন্য গভর্ণমেণ্টই খরচের ব্যবস্থা করেন, তার জন্য জনসাধারণের কাছ থেকে প্রত্যক্ষভাবে কোন ট্যাক্স আদায়ের ব্যবস্থা করেন না। সেই রকম এই সেচ কার্য্যের জন্য এই সব areaর লোকদের কাছ থেকেও ট্যাক্স আদায় করা ঠিক হবে না। মন্ত্রী মহাশয় আর একটী জিনিষ দেখিয়েছেন যে flushing এর ফলে একর প্রতি প্রায় নয় মণ কোরে ধানের average increase হয়। আমি জানি—মন্ত্রী মহাশয় দামোদর areaর ১৯৪০ সালে crop-cutting reportএর উপর নির্ভর কোরেই একথা বোলেছেন। এই crop-cutting

কিন্তু আদৌ ঠিক হয় নাই। এ কথা আমরা canal কর্তৃপক্ষকে জানিয়েছি এবং সংবাদ পত্রে তাহার প্রতিবাদ হয়েছিল মন্ত্রী মহাশয় বোধ হয় তাহা অবগত আছেন। সরকারের কর্ম্মচারীগণ নিজেদের ইচ্ছামত crop-cutting করেছে। এ সম্বন্ধে প্রজাদের কাছে কোন কথা জিজ্ঞাসা করা হয় নাই বা স্থানীয় কোন লোকের মত নেয় নাই। এই রকম একটী ভুল reportএর উপর নির্ভর কোরে তাঁর এত বড় একটা বিষয়ে মন্তব্য করা ঠিক হয় নাই। আমরা crop-cutting এর দোষ-ত্রুটী সম্বন্ধে বার বার বলে এসেছি এবং এখনও বলছি, কারণ ইহার উপর নির্ভর করছে rate এবং প্রকৃত development হয়েছে কি না সেই তথ্য।

শেষ কালে আমার বক্তব্য এই যে দামোদর flood check করবার জন্য দামোদরের দক্ষিণ তীরে নাকয়া, বিবির বাগান, কুমীরখেলা প্রভৃতি হানাগুলিতে, যে স্লুইজ গেটের ব্যবস্থা করা হয়েছিল এবং মন্ত্রী মহাশয় এই মর্ম্মে বোলেছেন যে that there would be no further floods কিন্তু বাণ নিয়ন্ত্রিত হওয়া দূরের কথা, আজ বন্যায় লোক কি রকম কষ্ট পাচ্ছে তা বোধ হয় মন্ত্রী মহাশয় অবগত আছেন। এখানে মন্ত্রী মহাশয়কে অনুরোধ কোরছি,—তিনি যেন ইঞ্জিনিয়ারদের নির্দ্দেশ দেন যে এই যে পরিকল্পনা এটা দ্বারা দামোদরের বাণ নিয়ন্ত্রিত যাতে হয়—সে ব্যবস্থা যেন তাঁরা করেন। আমার আরও অনুরোধ তিনি যেন Dr. Sanyal মহাশয়ের সংশোধনী প্রস্তাব গ্রহণ করেন। অন্যথায় আমার মনে হয়— দামোদর canal areaর অধিবাসীদের তাদের উপর Development Act অনুযায়ী যে maximum water rate ধার্য্য করা হইয়াছিল এবং যে করভারে পড়ীনের জন্য canal অধিবাসীগণকে আন্দোলন কোরতে বাধ্য করা হোয়েছিল। আজ পরিষদের এই প্রস্তাব অনুযায়ী কিংবা যদি এই পরিষদের ও প্রজাদের কোন মতামত না নিয়ে অথবা জমির উর্ব্বরা শক্তি ও শস্যের বৃদ্ধির বিষয় ভালভাবে স্থির না করে যদি গভর্ণমেণ্ট কোন রকম জলকর নির্দ্ধারণ করেন তাহা হইলে দামোদর-হাওড়া-হুগলী flushing scheme areaর লোকদেরও সে রকম আন্দোলন সুরু কোরতে বাধ্য করা হবে।

Maulvi ABUL QUASEM: Mr. Speaker, Sir, I take this opportunity to say a few words in support of the resolution that has been moved by the Hon'ble Minister in charge of Irrigation.

In my last speech on the irrigation policy of the Government I made it clear that the irrigation problem of the Government could only be solved by a great and comprehensive project, as piecemeal projects were ineffectual and dangerous. As a representative of West Bengal, I also pointed out how the entire Burdwan Division had been devastated because the Government of the past starved the countryside of its water resources, in the interest of navigation in the port of Calcutta and by the embankment of the Damodar, and the result has been that the lands which once smiled with health, wealth and prosperity, have now been converted into waste lands and jungles fit for the habitation of the denizens of the forest.

Sir, I cannot forget for a moment that the condition of West Bengal is going from bad to worse every day. Malaria, kala-azar, and tuberculosis are creating havoc in the country. The country which was once regarded as "the garden of India" has now assumed a desolate appearance; wherever we go we meet with pestilential areas where disease, death and desolation reign supreme.

To remedy all these evils I requested the Government to take up boldly "the Hooghly-Howrah Flushing Scheme" which was much talked about for many years in the past, but was apparently shelved, as the only means to bring back health and prosperity which had left the country-side for good.

As the finance of Bengal is not elastic enough to provide funds for such a big scheme from the ordinary revenue, I suggested to raise a loan of the requisite amount to resuscitate dead and dying rivers and rivulets and other waterways, which would not only banish the notorious unhealthiness from the countryside, but will also increase the productivity of the soil to a great extent.

The Hon'ble Minister gave me assurance at that time that my hopes and aspirations would not be nipped in the bud, and I would soon hear a satisfactory solution of the problem.

Nothing could give me more pleasure when I saw the Government's announcement from Darjeeling on the 24th April last that they had at last decided to take up the Hooghly-Howrah Flushing Scheme by floating loans, and the scheme would be placed before the Legislature during the forthcoming July Session.

I pause here for a moment to pay my tribute to the Hon'ble Minister in charge and his colleagues for fulfilling the assurances by taking up this comprehensive scheme which had hitherto been rotting in the upper shelves of the Secretariat, and I am confident that it will at least save three districts, Hooghly, Howrah and Burdwan, from the grip of death and desolation.

The question that might arise for consideration is how the loan is to be repaid.

The only Act under which a scheme of this magnitude could be financed is the Development Act. This Act lays down that (subject to certain conditions) Government may realise from lands in any area benefited by such a scheme an improvement levy of an amount not exceeding one-half of the net value of the estimated increase in outturn "made possible by the scheme." No one is asked to pay more than half of an extra profit that he can easily make, and no one is asked to pay anything at all until he has had the opportunity of making the extra profit. In short, the Act contemplates guaranteeing a crop to

people who take necessary action to obtain it. Therefore, the loan can be easily repaid from the improvement levy under the Development Act.

I therefore submit, Sir, that if we think that irrigation is worth having, that the margin of benefits would be so big that the risk to anyone would be small and that the assessment system is such as to give everyone a fair show, I hope that we will be able to persuade our people to prove themselves otherwise than stupid by deciding to have irrigation in our districts and to banish malaria for ever and at the same time to increase the fertility of their soil.

With these few words I wholeheartedly support the resolution.

Mr. SUKUMAR DUTTA: Mr. Speaker, Sir, after the admirable speech made by my honourable friend Dr. Sanyal, there is very little for me to add, specially as we have not the complete scheme before us, in which case it would have been possible to go into detailed examination of the scheme. I agree with Dr. Sanyal in welcoming the resolution though it was long overdue, and it is really a pleasure to see that at last the Government is doing something for the real benefit of the people, though I am afraid that eventually it may remain only as a pious wish. Those who are acquainted with the present condition of the Damodar Canal area know the present miserable conditions of the Damodar Canal area which is undergoing deterioration in every way. Malaria works havoc every year, floods occur frequently and the soil has considerably decreased in productivity. But the Government was sleeping over it for a long time without any improvement scheme which should have been done long ago, and though the Hon'ble Minister in charge has at last woken up, I have great doubts whether it will be possible to give effect to this scheme within a reasonable time. It is also unfortunate that instead of a more comprehensive scheme, the Hon'ble Minister has come forward with one which is decidedly scrappy. The present miserable condition of the people in Hooghly and Howrah demands a more elaborate scheme as advised by previous experts consulted by the Government. I have also great doubts that due to the inefficiency of the department as clearly betrayed in the Eden Canal affair, this scheme can be carried out efficiently and economically. Really, I have a very poor opinion of the Irrigation Department. I may incidentally mention here about the Kousiki Canal that is included in this scheme. This canal was re-excavated through handsome contribution from Mrs. Bamacharan Bhose and the district board. But it was so done that the water was not fit for drinking purposes. When the people of the locality asked the department that the canal may be used for irrigation purposes, the department refused on the ground that the canal is meant only for

drinking purpose; and thus a large amount of money donated by the public is wasted, as the canal can neither be used for drinking purpose nor irrigation purpose. I can certainly say that if at all any tax is to be levied, the Kousiki Canal area must be exempted from such tax, as in improving this canal Government is only fulfilling an old obligation.

Sir, I do not want to waste much time of the House at this fag-end of the day, but I would only conclude by saying that knowing how the department bungled in the case of the Eden Canal in determining the rates, I agree with Dr. Sanyal that the House should be consulted before the rate is actually levied.

With these words, Sir, I support the amendment moved by Dr. Nalinaksha Sanyal.

Mr. MANMATHA NATH ROY: Sir, as one belonging to the district of Howrah, I feel that this project is going to render very little relief to that district. No flushing and irrigation scheme will be appreciated by the people of the district of Howrah unless it embraces the whole area of that *beel* which is known as Kadua Beel. In the whole of the district, as had been stated by my friend, Khan Sahib Maulvi Abdur Rauf of the opposition, the absence of flushing and irrigation measures is felt most in this area. Indeed, Government sanctioned a little over Rs. 20 lakhs some years ago for giving effect to a flushing and irrigation scheme in that area. The work was taken up by the Government and about a lakh of rupees was spent, but later on, it was abandoned. We find that the present scheme contemplates no barrage at Amta but only a sluice there. That will give no relief to the whole of the Kadua Beel, and I beg of the Hon'ble Minister to include that area in the scheme. I have no doubt, Sir, that when a comprehensive scheme has been brought forward, the work in the Kadua Beel will be carried out at a smaller cost and I would ask the Hon'ble Minister to give an assurance to this House that he will include that area in this scheme.

Now, Sir, with regard to finance or the levy proposed. Government may proceed under the Development Act, but they must in that case be prepared to face public agitation. Government must make those, who are asked to pay, feel that the increased outturn is adequate or that one who pays gets adequate return for the money that he pays. The adoption, Sir,—if I may use the expression—of Nazi measures to determine the amount to be paid by way of levy will signally fail and the organisation or the agency that may be employed for the work must be in a position to allay any panic like the one that was found at Burdwan two years ago. Dr. Sanyal's amendment may allay the panic to some extent and may help the Government in that way.

Sir, with these few words, I support the amendment which has been brought forward by Dr. Sanyal.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I would first of all try to explain to the House the object of the application of the Bengal Development Act in the proposed scheme. The House is aware about the financial position of this Government. If we depend upon the general resources of the province to take up improvement schemes of this dimension, it would never be possible to do so. It is with a view that each scheme should be self-supporting that this Development Act was adopted by the previous Government. The Act provides for the assessment of the pre-canal as well as of the post-canal yield to find out the exact increased output of the land. Now Government is entitled to a maximum charge of 50 per cent. of the increased yield as the water rate. I am sorry, Sir, that this water rate has been termed as a "levy" in the Act itself. It certainly cannot be called a levy. To quote the then Honourable Member in charge who, while piloting this Bill in the old Council, said—"If I put one rupee to your pocket, why should you grudge to pay me eight annas?" I feel that if we could satisfy the cultivator that the yield had actually increased as a result of the improvement scheme he cannot refuse to pay 50 per cent. of the increased yield. That is the maximum rate. If there is no improvement, we are not going to charge anything. I hope, Sir, that will satisfy my friend Kazi Emdadul Haque.

Sir, according to our scheme the lands have to be classified into high low, marshy land, etc., and their yield has also to be determined separately. It is not a case of finding out the average yield as some of my friends have been led to think, and then to charge the "levy." It is true that it will never be possible to assess every bigha of land separately, but I dare say it would be feasible to have a fair average for each class of land. I think, that will make the possibility of making an unfair assessment remote. Sir, if there be any additional income to anybody as a result of Government spending money for the improvement of the land, is it unfair to charge for a share of the cost?

Sir, it has been challenged by some honourable members that in the Damodar area this system was a failure. I deny the charge. The reduction of rate from Rs. 5-8 to Rs. 2-9 was not for the reason that the increase yield did not justify the rate of Rs. 5-8, but was based on a different ground altogether. Some honourable members thought at the time that as the Niemeyer Award had wiped out the capital cost Government had no justification to charge Rs. 5-8. The rate of Rs. 2-9 was thereupon approved by a committee of this House who took into consideration only the maintenance cost of the scheme. (Dr. NALINAKSHA SANYAL: Not the interest.) No. It has been proved by subsequent crop-cutting experiments in the Damodar area that there is still justification for the rate of Rs. 5-8. A question has been asked as to how

often are we going to revise the rate. I would refer the honourable member to section 8(3) where it will be found that after the expiry of 2 years Government may revise the rate. It is certainly optional. Under the circumstances I feel justified in assuming the increased yield under this flushing scheme as has been already stated by me. This is certainly not a half-baked scheme. It has been carefully considered for a number of years and we have some valuable notes of Sir John Woodhead, who had studied the question very thoroughly and the scheme is now complete save and except the crop-cutting experiments which we have undertaken. The special feature of the scheme is the arrangement for flushing the country for the eradication of malaria. For this provision had to be made for three times additional quantity of water than was provided for in the Damodar scheme. (Dr. NALINAKSHA SANYAL: Flooding scheme or flushing scheme?) Flushing scheme. Put mustard oil in your ears! I claim that this is a novel feature at least for this province.

Secondly, there is the provision for a reservoir and one great advantage of a reservoir scheme is that it will enable Government to supply water in winter months. For the present the capacity of the reservoir would be such that would enable Government to supply water to about 40 thousand acres. But if it be found that there is demand for more water there is sufficient space there to arrange for a second reservoir or to enlarge the one which it is proposed to construct.

Sir, we have been criticised because we have not approached the Bihar Government. I do not think that is a correct statement. Our engineers have already visited the area with full knowledge and concurrence of the local officials to measure the capacity of the area and examine other details. As I have said, as soon as the House approves the scheme, we will move further in the matter. In my initial speech I have given a general outline of the scheme. If any honourable member is anxious to know the details of the scheme, I shall welcome it and let him have any information he wants. The present proposal, as I have already stated, empowers Government to incur expenditure and it will have to wait for the completion of the crop-cutting experiments when we will be in a position to decide about the rate.

We have received several memorials from the people in the area to be benefited by the scheme urging Government to take up the scheme; but if, as is being contended by some honourable members, the people there even now change their mind and say that they do not want the scheme, Government would not thrust it upon them.

Dr. NALINAKSHA SANYAL: Crop-cutting experiments in post-canal areas or pre-canal areas?

Mr. SPEAKER: I think some speech cutting experiment should also be made! (Laughter.)

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may inform my friends that the improvement of the Kendua Beel is included in the flushing scheme; so also is the Amta area.

As regards the second barrage, as my friend Mr. Roy has demanded, I will leave that to the experts to advise if the barrage scheme will be a success to supply water to a much smaller area.

I was astonished to hear my esteemed friend Mr. Pramatha Nath Banerjee not being able to understand how the figure of Rs. 2,67,00,000 rose to Rs. 3,10,00,000. I am sure he could have understood it if he only attempted to do so. The construction is likely to cost Rs. 2,67,00,000 but to that has to be added the interest charges, the payment to the sinking fund, the cost of maintenance and other indirect charges also. That will make the total cost to go up to Rs. 3 crores and 10 lakhs. Dr. Sanyal has quoted the Damodar Canal construction as in instance of the work of the department where the original estimate was exceeded to a great degree. Sir, I am not here either to defend the Government who undertook the project or to state the reason why that estimate had to be exceeded. We are concerned with this case and I can assure the House that we do our very best to see that the estimates are not exceeded. My friend forgets that much water have flowed down the river Hooghly since the Damodar Canal was constructed and the time when we take up this scheme. The honourable member can rest assured that if there be any occasion to make any big alteration in the total estimate, the House will be taken into confidence.

Sir, as regards the amendment, I would say that if the stage had been reached to consider the rate of the "levy", I would have been only too glad to invite some representatives of the various parties and groups to come and advise me. Dr. Sanyal has himself said that he does not know when the scheme is to fructify, and under the circumstances will there be any use in accepting a resolution of this nature? But, Sir, I can assure the House that having regard to our past experience and also to the feeling which the House expressed while discussing the Damodar Canal question, Government will take into consideration all factors before finally coming to a decision about the rate. (Dr. NALINAKSHA SANYAL: Why not take the House into confidence?) Then again there may be administrative difficulties. The House may not be in session when Government will be called upon to fix the rate. (Mr. JOGESH CHANDRA GUPTA: Every 2 or 3 months the House is in session.) (Dr. NALINAKSHA SANYAL: That is no excuse.) Besides this, as I have already stated, there will be various factors, *e.g.*, the classification of land, the consideration of the quality and quantity of yield, and various other things, about which I do not think it will be convenient for the House as a whole to consider and to come to a decision.

Sir, after what I have stated just now, I would appeal to my friend to withdraw his amendment.

Sir, I forgot to answer one question asked by my friend Mr. Morgan. As I have already stated, Government will take up the scheme as soon as financial conditions of the country will permit us to borrow the money at a reasonable rate of interest. But I cannot say whether for that we should wait till the war is over. Of course, we would always guard against paying excessive prices for the materials in executing the scheme.

As regards assuring that the scheme will not affect the Hooghly, I can only say that as far as we have been advised by experts, there is not even the remotest danger on that score.

The motion of Dr. Nalinaksha Sanyal that to the Government resolution the following be added, namely:—

"and is further of opinion that the improvement levy should be at a rate to be approved by this House,"

was then put and lost.

The motion of the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar—

"that this Assembly is of opinion and recommends that an improvement levy should be imposed in the area to be served by the Damodar-Hooghly-Howrah Flushing Scheme,"

was then put and agreed to.

Adjournment.

It being 8-15 p.m.—

The House was adjourned till 4-45 p.m. on Wednesday, the 4th September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 4th September, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 210 members.

STARRED QUESTIONS

(to which oral answers were given)

Establishment of a female training school at Chittagong.

*234. **Mr. HARENDRA KUMAR SUR:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there is only one female training school (junior and senior) with limited accommodation at Dacca in Eastern Bengal;

(*ii*) that there is provision for 30 stipends of Rs.10 only;

(*iii*) that there are several girls' high English and middle English schools in the Chittagong Division besides the girls' primary schools;

(*iv*) that with the introduction of free primary education in this Division demand for trained female teachers has been very great;

(*v*) that every year admission is refused to several candidates for want of accommodation;

(*vi*) that it is disadvantageous for the female candidates from Chittagong Division to get training at Dacca; and

(*vii*) that without an adequate number of trained female teachers female education in the Chittagong Division is likely to suffer?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of establishing a female training school (junior and senior) at Chittagong in the near future?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*), (*iii*) to (*vii*) Yes.

(*ii*) There is provision for 48 stipends of Rs.10 a month each.

(*b*) The question is under consideration.

Jurisdiction of Muhammadan Marriage Registration Office at Jamalpur, Mymensingh.

*235. **Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*i*) whether it is a fact that the police-station of Melandaha and Madarganj in the district of Mymensingh are within the jurisdiction of Jamalpur Kazi's Office; and

(*ii*) whether it is a fact that one of the additional Marriage Registrar's Offices proposed to be established either at Nanduni or Narundi within the Jamalpur thana instead of at the adjacent thana headquarters?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state, year by year, for the last three years, the average income from registration of marriages within the jurisdiction of—

(1) Malandaha police-station,

(2) Madarganj police-station, and

(3) the proposed jurisdiction of the new additional office within the Jamalpur thana?

(*c*) Is the Hon'ble Minister considering the desirability of consulting the local Advisory Committee before arriving at any final decision regarding the location of the new offices as a result of the splitting up of the parent office at Jamalpur?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) The splitting up of the jurisdiction of the Jamalpur office is under consideration.

	1937.	1938.	1939.
	Rs. a.	Rs. a.	Rs.
(*b*) (1)	1,123 8	794 0	870
(2)	222 8	250 8	519

(3) As the question of jurisdiction of the proposed office has not been decided, no figures can be furnished.

(*c*) The District Advisory Committee are consulted on such questions before final decision is arrived at.

Maulvi MD. ISRAIL: Will the Hon'ble Minister be pleased to state whether the decisions of the District Advisory Committee are always respected with regard to the splitting up of offices?

The Hon'ble Mr. A. K. FAZLUL HUQ: So far as practicable.

Filling up of vacancies in the Rajshahi Collectorate.

*236. **Maulvi M. MOSLEM ALI MOLLAH:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of vacancies which occurred in the clerical posts under the Collectorate of Rajshahi since the recent decision of Government in regard to communal ratio in service; and

(*b*) how many of them have been filled up by—

(1) Hindus, and

(2) Muslims?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Permanent 8 and temporary 17.

(*b*) (1) Hindus (permanent 2 and temporary 9), and (2) Muslims (permanent 6 and temporary 8).

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the numbers of permanent appointments of Hindus and Muslims are in consonance with the communal ratio?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The permanent appointments are made by promotion and temporary appointments of course are strictly according to the communal ratio rules, but as my honourable friend is aware that if members of one community get more appointments by promotion, then the deficiency in the number of appointments filled by promotion is made up by direct recruitment from the other community.

Filling up of the breaches of the Chetua circuit embankment in Midnapore.

*237. **Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any expert opinion was taken from the Public Health Department before the filling up of the breaches of the Chetua circuit in the district of Midnapore?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action the Government contemplate taking for the flushing scheme as proposed by the Public Health Department?

MINISTER in charge of the COMMUNICATIONS AND WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) No.

(*b*) Does not arise.

Union Bench of Nanoor, Birbhum.

***240. Dr. SARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that since the beginning of the year 1940, only 5 petitions have been filed in the Union Bench of Nanoor (Birbhum);

(*ii*) that all the accused in these cases applied to the Sadar Subdivisional Officer for transfer of the cases to other courts;

(*iii*) that the petitions were all summarily rejected;

(*iv*) that the said Bench refuses to supply to parties concerned necessary copies of orders passed against them; and

(*v*) that important portions of evidence are not recorded?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

(*c*) Is it a fact that Gour Sarkar and Jatadhari Sarkar were compelled to walk over 32 miles of road on foot to go to jail after conviction, in spite of the existence of convenient railway communication for the journey?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) No. Fourteen petitions have been filed up to date.

(*ii*) No. Only in 3 cases.

(*iii*) to (*v*) No.

(*b*) Does not arise.

(*c*) No. Only the accused Jatadhari Sarkar was sentenced to imprisonment and he was sent to jail on foot to minimise costs.

Mr. ATUL CHANDRA SEN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether all accused persons sentenced to imprisonment by the Nanoor Union Court are sent to Jail by foot to minimise cost?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khaf Bahadur: I know about one case, but I do not know of any other.

Atia Forests in Tangail.

***241. Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*i*) when the Atia Forest in Tangail, Mymensingh, was made protected or reserved;

(*ii*) the name of the proprietors of the Atia Forest;

(*iii*) the name of the proprietors who signed the last agreement with their actual respective shares;

(*iv*) for how many years the agreement was made; and

(*v*) when the agreement will expire?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the Atia Forest is scattered over an extensive area of arable lands interspersed with patches of jungles standing as islands in the midst of the cultivated fields comprising about 80 villages;

(*ii*) that the people of those villages cultivate the arable lands;

(*iii*) that the Government derive no income from the management of the Atia Forest; and

(*iv*) that in the budget discussion of the now defunct Bengal Legislative Council on the 19th March, 1929, a cut motion for releasing the Atia Forest was carried by a majority of votes?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the release of the Atia Forest from the Forest management?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) (*i*) The Atia Forests were notified as reserved forests in 1927 and 1928.

(*ii*) and (*iii*) Two statements, one showing the names with shares of the proprietors of the Atia Forests and the other showing the names with shares of the proprietors who signed the last agreement, have been placed on the Library table.

(*iv*) Ten years.

(*v*) 31st March, 1941.

(*b*) Yes.

(*c*) Release will not be to the best interest of all concerned.

Mr. MIRZA ABDUL HAFIZ: With respect to answer (*c*), does the Hon'ble Minister mean by this that even the cultivators' interest would suffer if the Atia Forest be released?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, the interests of all the interested people would suffer.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state the points on which the Hon'ble Minister has come to that conclusion?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The reasons have been clearly stated in the West Bengal Forest Enquiry Committee Report.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that neither the cultivators nor the private landlords want reservation?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir, I do not think so.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Amount of education cess realised in Mymensingh district.

117. Maulvi ABDUL WAHED: Will the Hon'ble Minister in charge of the Education Department be pleased to state the amount of the education cess realised in the district of Mymensingh during the year 1938-39?

The Hon'ble Mr. A. K. FAZLUL HUQ: Rs.5,84,658.

Appointment of Chairman of Sahebabad Debt Settlement Board, Tippera.

118. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether appointments of the Chairmen of Debt Settlement Boards are made on the report of the Subdivisional Officers, Special Officers and Circle Officers?

(*b*) Is the Hon'ble Minister aware—

(*i*) that one Babu Lal Behari Bhattacharjee was appointed as Chairman of the Sahebabad Debt Settlement Board within police-station Burichang, Sadar subdivision, district Tippera, in April, 1940; and

(*ii*) that he has been replaced by Munshi Jinnat Ali Bhuiya of Chandipur?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for the cancellation of the appointment of Lal Behari Babu?

MINISTER in charge of the CO-OPERATIVE CREDIT AND RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) and (*b*) (*i*) Yes.

(*ii*) No.

(*c*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Babu Lal Bihari Bhattacharjee is still the Chairman of the Sahebabad Debt Settlement Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The answer is in the affirmative.

Mr. SURENDRA NATH BISWAS: The question was "is the Hon'ble Minister aware that he has been replaced by Munshi Jinnat Ali Bhuiya" and the answer was "no". My question now is whether Babu Lal Bihari Bhattacharjee is still the Chairman of the Debt Settlement Board?

Mr. SPEAKER: The Hon'ble Minister has said "Yes".

Mr. DHIRENDRA NATH DATTA: Is Babu Lal Bihari Bhattacharjee still the Chairman of the Debt Settlement Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have given the answer as "Yes".

Mr. DHIRENDRA NATH DATTA: But it does not mean that he is still the Chairman.

Mr. SPEAKER: As I read the answer, he was the Chairman, but he is not the Chairman now.

Mr. SURENDRA NATH BISWAS: I want to know whether he is still the Chairman.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: He is still the Chairman and he will perhaps continue in that capacity until the reconstitution of the Board.

Mr. SPEAKER: Your answer does not show that he is still the Chairman. Your answer to (*b*) (*ii*) is "No".

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: He is still the Chairman.

Mr. JOGESH CHANDRA GUPTA: From your answer to (*b*) (*ii*) it would appear that he was not replaced by Munshi Jinnat Ali Bhuiya. But he might have been replaced by somebody else.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: He has not been replaced yet.

Mr. DHIRENDRA NATH DATTA: Will he be replaced?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I don't know that.

Realisation of grazing fee in Western Duars Government Khas Mahal.

119. Babu KHAGENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing in respect of Western Duars Government Khas Mahal, Jalpaiguri:—

(*i*) the present rate of grazing fee per annum—

(1) per buffalo for foreign professional graziers,

(2) per buffalo for local graziers,

(3) per ploughing buffalo, and

(4) per cow;

(*ii*) total area of lands specially reserved for grazing purposes at the times of—

(1) Milligan settlement,

(2) Mukherjee settlement, and

(3) in 1939-40; and

(*iii*) total amount of grazing fees—

(1) charged,

(2) realised, and

(3) the expenditure incurred in realising these fees in the years 1930-31, 1934-35 and 1939-40?

(*b*) Is it a fact that grazing fees are being realised from all the owners of cattle living within the radius of a mile or more from a reserved grazing land irrespective of the fact whether their animals actually graze in the reserved field or not?

(*c*) Is it a fact that for the high rate of grazing fees, the number of cattle is gradually decreasing and for consequent want of cheap dung manure about 50 per cent. of lands in northern area are at present lying fallow?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the table.

(*b*) and (*c*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 119.

	Rs.	a.
(*i*) Present rate of grazing fee per annum—		
(1) per buffalo for foreign professional graziers ..	6	0
(2) per buffalo for local graziers ..	3	0
(3) per ploughing buffalo ..	0	8
(4) per cow	0	5

	Acres.
(*ii*) Total areas of lands specially reserved for grazing purposes at the times of—	
(1) Milligan settlement	Nil
(2) Mukherjee settlement	17,948·94
(3) in 1939-40	19,230·44*

*Including 1,206·93 acres of *khas* lands which though not specially notified have also been reserved for grazing.

	1930-31.	1934-35.	1939-40.
	Rs.	Rs.	Rs.
(*iii*) Total amount of grazing fees—			
(1) Charged ..	23,120	16,867	11,423
(2) Realised ..	16,406	10,082	8,121
(3) Expenditure incurred in realising these fees.	3,684	3,615	3,190

Babu UPENDRA NATH BURMAN: Will the Hon'ble Minister be pleased to state whether it is a fact that the number of cattle in the grazing area is diminishing day by day as a result of abnormal increase in the rate of grazing fees from the time of Milligan Settlement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is decreasing, that is a fact, but not due to the rate of grazing fees.

Babu UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state whether it is a fact that owing to the gradual diminishing in the number of cattle, the Duars land is suffering from want of manure?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That has not been brought to the notice of the Government.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether Government have in contemplation the reduction of the grazing fees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1940.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to introduce the Calcutta Municipal Amendment Bill, 1940.

(Secretary then read the short title of the Bill.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of:—

(1) Mr. Abdur Rahman Siddiqi,

(2) Mr. K. Nooruddin,

(3) Mr. M. A. H. Ispahani,

(4) Mr. Syed Badrudduja,

(5) Khan Sahib Maulvi Mohammad Solaiman,

(6) Maharajkumar Uday Chand Mahtab,

(7) Mrs. Hasina Murshed, M.B.E.,

(8) Mr. Anukul Chandra Das,

(9) Mr. F. J. Marindin,

(10) Mr. C. W. Miles,

(11) Mr. Abu Hossain Sarkar,

(12) Mr. Hem Chandra Nasker, and

(13) the mover,

with instructions to submit their report by the 31st January, 1941, the number of members forming the quorum being five.

Mr. SASANKA SEKHAR SANYAL: May I know, Sir, whether the consent of Maharajkumar Uday Chand Mahtab and Mr. Hem Chandra Nasker was taken?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes.

Sir, this is the second time I stand before the House with a Bill for an amendment of the Calcutta Municipal Act. Last year when the Calcutta Municipal (Amendment) Bill, 1939, which has since been enacted into law, was placed before this House, one of the grounds on which the Bill was opposed by several members of the Opposition was that it contained no provision designed to bring about an improvement in the internal administration of the Corporation. The trend of the criticism was that the administration of the city which was admittedly far from satisfactory called for remedial measures far more urgently than a change in the constitution of the Corporation itself.

In reply to this criticism both the Hon'ble Chief Minister and myself informed the House that the question of the reform of the internal administration of the Corporation had been engaging the serious attention of Government for some time past and we gave an assurance to the House that Government would not delay in bringing a second Bill which would be mainly directed towards this object. The present Bill which has just been introduced implements the assurance then given to the House. Sir, while I welcome criticism of the various detailed provisions of the Bill and suggestions for improvement, if any, I would remind the House that the Bill is intended to meet a widespread demand for improving the efficiency and tone of the administration of the Corporation and I trust the Bill considered in this light will meet with a large measure of acceptance in this House.

As members are aware, the amending Bill was published in the Calcutta Gazette of the 13th June, 1940, i.e., more than two months before its introduction in this House. In the Statement of Objects and Reasons appended to the Bill, I have tried to give an idea of the main provisions of the Bill and I have indicated briefly the reasons which have actuated Government in bringing forward those proposals for amendment. I will now proceed to examine in some detail the more important amongst these proposals and shall then pass on to an examination of the criticisms which have up till now been received by Government and which have from time to time been voiced in the press and on the platform.

Sir, I shall first of all deal with the proposals for the assumption of effective powers of control in case of default or abuse of power by the Corporation. The present Act arms the Government with certain powers of control but it has been found from experience that these powers of control cannot be properly enforced for want of effective sanctions. Under section 15 of the Calcutta Municipal Act, the Provincial Government may require the Corporation to furnish them with any return, statement, estimate, statistics or other information regarding any matter under their control; a report on any such matter; or a copy of any document in their charge. But Government are not empowered to secure compliance with any such requisition. As an alternative, the Provincial Government may, under section 16, depute an officer or officers to make an inspection or examination of any department, office, service, work or thing under the control of the Corporation, and to report to them the result of such inspection or examination. Under the provisions of this section any officer deputed by Government may, for the purpose of such inspection or examination, require the Corporation to produce any record, correspondence, plan or document, to furnish any return, estimate, statement, account or statistics or to furnish any report. Although sub-section (3) of this section prescribes that every requisition made shall be complied with by the Corporation without delay, the Act provides no remedy against refusal by the Corporation to comply with such requisition. Then again, section 17 of the Act provides that if, on receipt of any document furnished under section 15 or any report submitted under section 16, the Provincial Government are of opinion that (*a*) any of the duties imposed by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner or (*b*) adequate financial provision has not been made for the performance of any such duty, the Provincial Government may, by written order, direct the Corporation within a period to be specified in the order to make arrangements to their satisfaction for the proper performance of the duties referred to in clause (*a*) or to make financial provision to their satisfaction for the performance of any duty, as the case may

be. Government, however, will not be in a position to discharge their responsibility under section 17 of the Act unless they have authentic information regarding the affairs of the Corporation. It is no doubt true that sections 15 and 16 of the Act provide for the means for obtaining such information but, as I have already shown, Government have no power, in the event of deliberate refusal by the Corporation, to compel obedience to their directions under those sections. The position, therefore, is that without the voluntary co-operation of the Corporation the power which the Government have under section 17 will remain a dead letter. Sub-section (*1*) of section 18 of the Act provides that if within the period fixed by any order issued under section 17 any action directed thereunder has not been duly taken, the Provincial Government may appoint some person to take the action so directed and may further direct that his remuneration together with the cost of taking such action shall be met out of the municipal fund. Sub-section (*2*) of the section prescribes that the person so appointed shall exercise any of the powers conferred by or under the Act which are specified in that behalf in the order issued under sub-section (*1*). The intention obviously is that when a person is appointed under section 18 to perform certain duties of the Corporation which have not been performed or which have been performed in an imperfect, inefficient or unsuitable manner, the particular department or the establishment concerned will cease to function and will be virtually superseded. In the absence of any specific provision to this effect, however, the department or the establishment concerned of the Corporation may continue to function side by side with the agency appointed by Government. Two separate agencies may thus be functioning at the same time for the performance of the same duties and the result may either be duplication of charges to the detriment of the Corporation Fund or if they were at cross purposes the activities of one may very well nullify the efforts of the other. I hope I have been able to convince the House that the existing powers of control in sections 15, 16, 17 and 18 of the Act can hardly be enforced for want of effective sanctions. An attempt has been made in the Bill to fill up the lacuna in the Act under this head as far as possible. The present Bill proposes to make provision on the lines of the Bengal Municipal Act for the supersession of a department of the Corporation in case of proved incompetency or failure to perform, or default in the performance of its duties or when it has exceeded or abused its powers. It will thus be seen that Government do not propose to arm themselves with new or additional powers in this respect but merely gives effect to the implicit intentions of the Legislature which have not been clearly expressed in the existing provisions of the Act. (Rai HARENDRA NATH CHAUDHURI: Question.)

The other alternative remedy proposed in the Bill, namely, dissolution of the body of Councillors and Aldermen is merely an appeal to the Electorate to return a fresh batch of their representatives to replace

those who have either proved their incompetency to perform their duties or have performed their duties in an imperfect, inefficient and unsuitable manner. It provides for a milder remedy in circumstances which might call for the supersession of a department of the Corporation and can hardly be described as an act of direct encroachment by Government on the rights of the Corporation.

Section 19 of the Act already gives Government power to annul the proceedings of the Corporation which is not in conformity with law, the rules or the by-laws. By clause 5 of the Bill Government seeks to extend this power of annulment to any such proceedings of a Committee or Sub-Committee of the Corporation. The reason for this is obvious. The powers of the Corporation may be delegated to a Committee or Sub-Committee and it is only logical to provide that the proceedings of such Committee or Sub-Committee which are not in conformity with law would be liable to be annulled by the Provincial Government. The proposed clause (*b*) of section 19 proposes to give power to the Provincial Government to suspend any resolution of the Corporation or Standing Committee or any Sub-Committee which is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons. The exercise of such powers by Government may sometimes become necessary in the interests of the rate-payers themselves and the provision has been made on the lines of the corresponding provision in section 548 of the Bengal Municipal Act.

I now come to another important part of our proposals, namely, the appointment of a Government Officer as the Chief Executive Officer of the Corporation and the setting up of a Statutory Service Commission in connection with appointments to higher posts in the Corporation. Under the provisions of section 51 of the existing Act, the appointment of the Chief Executive Officer is made by the Corporation but his appointment, salary, allowances and conditions of service are subject to the approval of the Provincial Government. The appointment to certain other specified posts is also similarly subject to the approval of Government; but as a matter of policy Government have in the past very rarely exercised their powers of veto in regard to these appointments. Appointment to the remaining higher posts is made by the Corporation on the recommendation of the Services Committee, appointment below a certain monetary limit which has been varied from time to time by the Corporation being made by the Chief Executive Officer. Past experience has demonstrated that such appointments have been made by the Corporation more on personal or party or political considerations than in the interests of the efficiency of the administration. Even the appointments which are made by the Chief Executive Officer by virtue of the powers delegated to him by the Corporation have not been free from the influence of individual Councillors or of the party in

power or of other interests. The Chief Executive Officer is the executive head of the Corporation and all other officers and servants of the Corporation are subordinate to him. While the party commanding the majority in the Corporation might legitimately claim to lay down the main lines of the policy of the administration, it was naturally expected that the actual execution of the policy should be left to the Chief Executive Officer unhampered by political or any other extraneous influence. Unfortunately, however, such expectations, as is well known to the House, have not been realised. Instead of being content to guide the policy, the party in power has sought to interfere with the day to day administration of the Corporation. Interference by individual Councillors purely on personal grounds has also been a disturbing feature of the administration. That the Chief Executive Officer has not been able to resist such interference is due to the fact that his continuance in office has very largely depended on the sufferance of the Councillors and Aldermen concerned. The appointment of unqualified and undesirable persons to responsible posts in the Corporation, often at the instance of individual Councillors or in furtherance of party interests, has undermined all discipline amongst the subordinate staff of the Corporation, and has resulted in a marked deterioration in the general efficiency and tone of the administration.

This widespread evil has existed for a long time, and I hope the House will agree with me that a drastic remedy is now called for. The matter has been engaging the anxious and serious attention of Government for some time. The obvious remedy is to free the head of the Corporation Executive from the sphere of influence of individual Councillors and Aldermen or of the party in power; and the only effective manner in which this can be done is to adopt the system which prevails in Madras and Bombay, namely, to appoint a servant of the Crown with adequate administrative experience who shall be a whole time officer of the Corporation and shall be removable at the instance of two-thirds of the members of the Corporation. Our proposals further provide that while appointments to posts carrying a salary up to Rs. 50 per month shall be made by the Chief Executive Officer, all other posts shall be filled up on the recommendation of a Statutory Service Commission to be set up on the lines of the Provincial Public Service Commission. The machinery thus proposed to be set up will effectively eliminate all extraneous influence which has so long operated to the prejudice of the legitimate interests of the rate-payers and secured the appointments of suitable candidates to posts and services under the Corporation solely in the interests of efficiency of administration.

I will now turn to another important feature of the Bill which no doubt will be readily acceptable to all sections of the House. I refer to the proposal for a substantial lowering of the franchise qualifications

so as to widen the electorate. The proposals mainly are to reduce the consolidated rate qualifications from Rs. 12 to Rs. 6 per annum; the occupancy rent qualifications from Rs. 25 to Rs. 12 per month and the consolidated rate qualification in respect of a *bustee* from Rs. 12 to Rs. 6 per annum. The franchise is also extended for the first time to an occupier of huts in a *bustee* who has paid rent at the rate of not less than Rs. 5 per mensem.

Lastly, as explained in the Statement of Objects and Reasons, Government have taken the opportunity of introducing certain necessary amendments for removing certain defects and lacunæ in the Act which have been brought to their notice from time to time.

Sir, I will now proceed to an examination of some of the main criticisms that have been directed against the provisions of the Bill. The Bill has been generally characterised as an undemocratic, anti-national and a retrograde measure, intended to strike at the very root of the autonomy of the Corporation. It has been said that the Bill will reduce the autonomous Corporation to a subordinate department of the Government. Another critic has remarked that the main object of the Bill is to destroy the autonomy of the Corporation and to curtail its powers. Let me at the outset disclaim most emphatically any such intention on the part of Government. Government are not actuated by any desire to curtail the powers of the Corporation or to interfere with its freedom of action in the management of its own affairs. (Mr JOGESH CHANDRA GUPTA: Are you sincere in what you are saying?) Yes, very sincere.

So long as the Corporation manages its own affairs in an efficient and proper manner without detriment to the interests of the rate-payers of the city, there is no ground for interference by Government. But it must be readily admitted that when the affairs of even an autonomous body like the Calcutta Corporation are hopelessly mismanaged, when persons in authority fail to discharge their duties efficiently or abuse their powers, the Act constituting the local authority must provide some form of control as a remedy against such mismanagement or misuse of powers. The criticisms so far received, which are directed against the provisions in the Bill relating to control by Government, appear to be based on a misconception of the powers and functions of a Corporation. It seems to have been assumed that when a self-governing institution enjoying large powers of internal administration is created by Statute it should be entirely free from outside control and that even if its affairs are grossly mismanaged, neither the Government nor the Legislature should have any power of control over its actions. In other words, that an autonomous self-governing institution should be allowed to function as an *imperium in imperio*. I am afraid that this is a doctrine which can hardly be accepted or defended on principle. The

Corporation is a creation of the Statute, with limited powers and functions, intended to be exercised and discharged for certain specific purposes, and Government cannot divest themselves of their ultimate responsibility for seeing that its powers are not abused, or that its duties are performed in a sound, suitable and efficient manner. (Interruptions and laughter from the Congress Benches.) Sir, may I appeal to you to ask my friends on the other side to allow me to proceed uninterrupted?

Rai HARENDRA NATH CHAUDHURI: Sir, laughter is permissible in Parliament.

Mr. SPEAKER: I think, it is becoming too much. After all, this is a Legislature and everybody is entitled to have his say uninterrupted, you also will be entitled to have your say. One man may occasionally interject—I have always allowed it. But when there is a chorus, it is then that it becomes intolerable.

Mr. ABU HOSSAIN SARKER: Yet, Dr. Sanyal is not here.

Mr. SPEAKER: But, I am afraid, Mr. Abu Hossain Sarker is here! (Laughter.)

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I need not remind the House that the present Government is a popular Government responsible to the Legislature, and is very different from the previous bureaucratic form of Government and that——(Rai HARENDRA NATH CHAUDHURI: Question.) You may question, but this is true.——control by Government really means control by the people through their representatives in the Legislature. I have already pointed out that Chapter II, Part II of the Act already provides by implication for a limited form of supersession by Government and my present proposals in this direction merely seek to make explicit what is already implicit, and to provide for effective sanctions for the exercise of such remedial powers of control.

It has been suggested by some critics that the powers of control with which Government propose to arm themselves will be exercised arbitrarily and that action will be taken to supersede a department of the Corporation or to dissolve the body of Councillors and Aldermen often at their sweet will, on the plea of incompetency or neglect of duty. I am surprised that such an irresponsible statement can be made by anybody. Similar powers of control have been given to Government under the provisions of the Bengal Municipal Act also; but I may mention for the information of the House that such powers have not been used by Government except on rare occasions, and that

after repeated warnings when they have failed to produce any improvement in the administration of the municipality concerned. In no case have Government thought it right to intervene until and unless they were convinced that such intervention was justified and was necessary in the interests of the rate-payers themselves. There is no reason to think that in the case of the Calcutta Corporation there will be any departure in the policy which has hitherto been followed by Government in regard to this matter. In any case, under the present system of Government, the Ministry is ultimately responsible to the Legislature and any action that is taken by a Minister must have the support of the majority of the House. Even if we assume for the sake of argument that the Minister will be so unwise as to exercise his powers of control arbitrarily in any particular case without due regard to the circumstances and merits of the case, this House will have full powers to administer the necessary corrective and to compel the Minister to take action in accordance with the wishes of the majority of the House.

A considerable volume of criticism has been directed towards the proposal for the appointment of a servant of the Crown as Chief Executive Officer of the Corporation. Exception has also been taken to the proposal for the setting up of a Statutory Service Commission in regard to appointments in the higher posts of the Corporation. It has been alleged that the intention underlying this proposal is to transfer patronage from the Corporation to Government and to convert the Corporation into a mere subordinate department of Government. It has further been stated that the Chief Executive Officer to be appointed by Government will be a "Minister in miniature" with the Corporation as his portfolio. I have already adverted to the circumstances which have compelled Government to propose a change in the existing provisions of the Act. Before the Calcutta Municipal Act, 1923, came into force, the Chairman of the Corporation was an appointed official of Government. Under the City Municipal Acts of Bombay and Madras, the Chief Executive Officer or the "Commissioner" is a person appointed by Government and as a matter of practice a servant of the Crown with administrative ability and experience is always appointed as "Commissioner". When the constitution of the Corporation was democratised in 1923, Sir Surendra Nath Banerjee thought it desirable to deofficialise the executive head of the Corporation and provision was accordingly made for the appointment of its Chief Executive Officer by the Corporation itself subject to the approval of the Local Government. Hopes were entertained that the Chief Executive Officer appointed by the Corporation would be free to discharge his functions in the best interests of the rate-payers of Calcutta unhampered by political influence and without undue interference by individual Councillors and Aldermen. As I have stated before, such hopes have unfortunately been grievously belied. It has been admitted both in

the press and by prominent public men that the internal administration of the Corporation has gone from bad to worse and that some drastic remedies are called for. Acts of jobbery, nepotism and undue discrimination have been so rampant in every department of the Corporation that even Mr. Subhas Chandra Bose, who has long been associated with the Corporation and is fully conversant with its inner working, was compelled to liken it to an Augean stable requiring Herculean efforts to cleanse it. It will be admitted on all hands that such a state of things can hardly be tolerated by any Government. After careful consideration Government have thought it to be desirable to amend the Act so as to empower them to appoint as the Executive Head of the Corporation a tried servant of the Crown whose ability, honesty and integrity will command public confidence and who will be in a position to discharge his heavy and arduous duties and responsibilities in a satisfactory manner, without undue interference by the representative of the rate-payers in the Corporation. I confess there is some force in the contention that the proposed measure is a retrograde one, not quite in harmony with progressive, democratic ideas of local self-government; but I hope the House will agree with me that circumstances have compelled Government to retrace their steps in this matter. Viewed against the background of nepotism, inefficiency and corruption which have characterised the administration of the Corporation during the last few years, our proposals appear to offer the only effective remedy that can be thought of and may on that ground be fully justified. I do not attach any importance to the argument which has been seriously put forward that the Chief Executive Officer to be appointed by Government will be guided in all matters by the dictates of the Ministry and that he would not dare to exercise his independence in the discharge of his duties in the Corporation. On the contrary, if a suitable officer is selected for the job, there is no reason to think that he will be unable to preserve his independence or that he will not discharge his duties impartially without fear or favour. Without having to lean on the support of individual Councillors and Aldermen for his very existence he will be in a better position to discharge his onerous and responsible duties in an efficient manner in the best interests of the rate-payers.

As regards the setting up of a Statutory Service Commission in respect of appointments to the higher offices in the Corporation, I may remind the House that the proposal is based on the analogy of the Provincial Public Service Commission in regard to Government appointments. In the field of local self-government, the proposal is not altogether a novel one. The Local Authorities (Officers and Employees) Act of 1926 of the Irish Free State contemplates the establishment of a body of Local Appointments Commissioners who are charged with the duty of selecting persons to be appointed to certain specified posts under

the local authorities. The sole object is to ensure the selection of suitable and qualified candidates for posts in the Corporation with a view to improving the administration of the city services. Government trust that it will be realised that the Service Commission will be of real help to the Corporation in securing the employment of the most efficient men and will thus serve to improve the personnel of the staff of the Corporation of Calcutta. This step should on no account be taken as a wilful encroachment on the rights of the Corporation.

Sir, before I conclude let me turn to the charge that the Bill is a communal measure. This Bill has been characterised as communal in its objective by some prominent members of the Hindu Mahasabha including my friend, Dr. Syamaprasad Mookerjee, who is the spearhead of the attack. The Bill is before the House and I have taken some pains in giving a full and close analysis of the outstanding provisions of the Bill. The charge of communalism is, Sir, not surely based on a logical analysis and impartial consideration of the various provisions of the Bill, especially from the correct perspective of what the relation between a local authority and Government should be. To me it seems to be clear that this unreasonable charge has been brought against this Bill only because fortunately or, in the view of the Opposition unfortunately, the present Ministry which owes its existence to the will of the majority of the Legislature is headed by a Muslim Premier and consists of a majority of Muslim Ministers. It has unfortunately been the tendency of certain section of the Legislature to condemn any measure undertaken by the present Ministry however beneficent or necessary, as prompted by an unholy desire to illegitimately further the interests of the Muslim community at the expense and to the suppression of the interests of the Hindus. To them a camel can pass through the needle's eye but the present Ministry can do nothing right.

I must emphasise, although I am afraid that I will not be able to convince a section of the Opposition, that so far as the present Bill is concerned, a more grievously unfair charge could not be brought against the Ministry. I would ask the members of the House to closely search the provisions of the Bill and to find one instance in which it can be legitimately said that it aims at furthering the interests of any particular community. The grossly unreasonable criticism that this Bill is a communal measure is born of prejudice and stands self-condemned.

Sir, with these words I commend my motion to the acceptance of the House.

Mr. SPEAKER: I would like the members of the different groups to kindly send me through their Whips a list of speakers for all the days so that we can try to arrange the matter accordingly? Because what

I am anxious to do is this, that we have serious work in front and although I would like to go ahead, yet I would like to accommodate as much as possible the speakers that would like to speak.

So far as the Congress Party's amendment is concerned, I understand that it will be moved by Mr. Satya Priya Banerji. After he has moved it the debate will continue, but when it comes to voting the motion will be divided into two parts—first, that the Bill be circulated for the purpose of eliciting opinion thereon, which is a common feature of all the amendments, and then the clause regarding the date. If, however, the first part is carried the second clause will arise only then. Yes, Mr. Banerji.

Mr. SATYA PRIYA BANERJI: Mr. Speaker, Sir, I beg to move by way of amendment that the Calcutta Municipal (Amendment) Bill be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1940.

Sir, I have listened with the utmost attention to the speech just delivered by the Hon'ble Minister-in-charge, but I am constrained to say in the Bengali language that আমি যে তিমিরে আমি সেই তিমিরে কিম্বা আরও বেশী তিমিরে as my friend says.

Sir, we have on this side of the House often accused Government and denounced them, reproached them and charged them with not having a well-defined plan and a well-thought-out policy to carry out that plan. But, Sir, I confess we have to revise that opinion now, because we find that in quick and regular succession a number of Bills have been introduced in this House which go a great length towards killing the initiative of the people at the very source, and the only object, the only plan and the only policy that has actuated and impelled the present Government to do so is to officialise and departmentalise the activities of the people in all spheres of life. The principle of self-help and mutual aid, the bedrock on which the co-operative movement is and should be based, the spirit of responsibility and self-reliance to foster which the co-operative movement was ushered into existence by the late Lord Curzon, has been given a complete go-by by the Bengal Co-operative Societies Bill which is now under consideration in the Upper House. The object of creating and increasing trained minds and vigorous citizens and thinkers and personalities—not personalities made to order after a common pattern but personalities who are able to give, to dedicate their all to the service of the nation, an object which should be the sole concern of a sound system of national education has been lost sight of when Government framed the Secondary Education Bill whereby they killed the initiative of the teachers and students by placing the whole scheme under a Government Board presided over by a President appointed by a reactionary Government. Last but not least,

the Bill which is the subject matter of to-day's discussion aims at the complete negation of the principles of local self-government, a principle which the late Lord Ripon the father and founder of local self-government in India laid down in his famous Resolution of May 1882 that "the institutions of local self-government are to be looked upon and valued as instruments of popular and political education". Thus we see that the so-called popular Government is actuated by only one and one supreme consideration, viz., replacement of popular democratic control by the most reactionary official control under the most malign influence of the present Ministry in every sphere of life. Sir, the Corporation of Calcutta has a chequered career. It has passed through many vicissitudes of fortune, it has traversed a long distance marked by milestones of progress and reaction. It has witnessed an agitation, the anti-MacKenzie Bill agitation, in 1898, unthought of at that time and without parallel even at the present day. The Calcutta Corporation began as an official institution, but as a result of an agitation which was carried on by the rising middle class, which naturally was not satisfied with the existing arrangement of the members of the Corporation being appointed by the Government, and naturally desired to have a voice and share in the urban administration, under the leadership of the redoubtable founder and editor of the *Amrita Bazar Patrika* which in those days was undoubtedly the exponent of public opinion in this province, but which alas has now fallen low, very low from that high pedestal, an agitation supported by the sympathetic attitude of Sir Richard Temple, the then Lieutenant-Governor of Bengal, the Corporation for the first time in 1876, enjoyed some measure of civic freedom, and a partially democratic constitution was granted to it—I say partially because only two-thirds of its members were to be elected, and the remaining one-third to be nominated by Government. Twenty-three years rolled by during which in 1888 the Act of 1876 was revised as a result of which the suburbs were included within the Calcutta Municipal area—and I would request the Hon'ble Minister-in-charge to take note of the fact that the principles of democratic control were left untouched, when a further revision took place in 1899 involving constitutional changes of the utmost moment. Here let me quote a few words of the great Sir Surendra Nath Banerjee, the father of Indian nationalism, who characterised the Act of 1899 in the following terms:—

"Drastic changes were engrafted upon the Municipal administration of Calcutta. The changes involved a substantial reduction of popular authority in the Corporation. The elected element was reduced from two-thirds to half and the Corporation was divested of its supreme authority by the creation of a number of co-ordinate bodies all exercising independent jurisdiction in their respective spheres."

Another 23 years had to roll by before the genius of Sir Surendra Nath Banerjee could restore to the City of Calcutta its lost civic freedom. The first attack on this citadel of freedom was made by the Calcutta Municipal (Amendment) Act of 1933 whose sponsor was the Hon'ble Sir Bijoy Prasad Singh Roy, whereby certain restrictions were placed upon the appointment of municipal officers and servants. The second attack was made only last year resulting in the entrenchment of the communal principle in the civic life of Calcutta, and the vivisection of Calcutta into Hindu Calcutta, Muslim Calcutta, Scheduled Castes Calcutta and Sahib Calcutta, and to-day we are called upon to be a party to a measure which aims at nothing less and nothing more than undermining the monumental work of the great Sir Surendra Nath by transforming his charter of freedom into an instrument of slavery. It is stated in the Statement of Objects and Reasons:—

"The experience of the working of the Calcutta Municipal Act, 1923, during the last 16 years has demonstrated that the political views of the party in power in the Corporation have very largely influenced the day to day administration of the Corporation with the result that the efficiency of the administration has been impaired. Frequent interference with the executive has been a disquieting feature of the administration. Appointment to posts under the Corporation has often been made on personal or party considerations, and complaints of maladministration in the various departments of the Corporation—which can be traced often to a deliberate evasion or infringement of the provisions of law,—have been persistently brought to the notice of Government."

Sir, before dealing with the question of efficiency let me refer to what the political views of a party have done in the matter of municipal administration. It goes without saying, and we do not in the least regret, that the civic ideals of a party in power do to an extent influence the administration of an institution. Did not the civic ideals of the British Labour Party influence the administration of the city of London? Did not the republican coalition of the Social Democrats, and centrists in Berlin after the last post-war evolution influence the administration of the city of Berlin? Did not the Social Democrats of Vienna transform the Municipality of Vienna into an ideal municipality which formed an object lesson and a beacon light to the other municipal administrations of the world? And what after all has been the civic ideal of the party so long in power of this Corporation? Let me quote the words of Deshabandhu Das which he uttered as the first Mayor of the Corporation. He said:—

"So far as it lies in me, you will find that no communal interest will be sacrificed unless that interest goes against the well-

being of the whole community, by which I mean the Indian people or the citizens of Calcutta....."

It is the great ideal of the Indian people that they regard the poor as *"Daridra Narayan"*. To them, God comes in the shape of the poor and the service of the poor is the service of God to the Indian mind. I shall, therefore, try to direct your activities to the service of the poor and you will have seen that in the programme which I have drawn up of the items of the poor, free primary education, and free medical relief—these are all blessings for the poor, and if the Corporation succeeds even in this work, it will have justified it all.

Is there anything in this Civic Testament of the Deshabandhu to which any of the Ministers or the Ministers collectively can take exception? I pause for a reply and I hope the Hon'ble Minister will give it when he comes to wind up the debate.

And as to the charge of personal and party considerations in the matter of appointments, if there has been any offence, I maintain that the Government has been an aider and abetter in that offence for have not the Government ample powers under the present Act in dealing with the key appointments made by the Corporation in its various departments? Are not the Government clothed with the authority of granting sanction to these appointments? If the Government really thought that the appointments to important posts requiring sanction, viz., the posts of the Chief Executive Officer, the Chief Engineer, the Health Officer, etc., were not being made on the ground of ability or efficiency or merit, but were made on party and personal considerations, then they owed it to the public at large and to the rate-payers of Calcutta to veto such appointments or to ask the Corporation to reconsider the same.

Let me, Sir, now refer to the efficiency in the Corporation administration. In the name of efficiency, the Government seek to do many things that could not perhaps have been done without invoking its aid. In the name of efficiency, the co-operative movement is going to be officialised. In the name of efficiency, the secondary education system is going to be brought under the control of a President who shall be a creature of Government. And in the name of efficiency the present Calcutta Municipal Act is going to undergo a transformation beyond all recognition. We do not underestimate the value of efficiency but we do not at the same time exaggerate its importance when vital questions affecting matters of principle are concerned. May I ask, in all humility, the present Government to transfer what powers they have got under the Government of India Act to an alien bureaucracy in the name of efficiency?

The changes which Government seek to introduce in the name of efficiency can be summed up as follows:—

The Chief Executive Officer shall no longer be appointed by the Corporation but shall be appointed by the Provincial Government and be recruited from the Indian Civil Service or the executive branch of the Bengal Civil Service, thus taking us back to the old days of the official or civilian rule which was ended by Sir Surendranath.

The Corporation shall be deprived of the power of appointing its important officers. The Provincial Government shall appoint a Service Commission composed of a Chairman and two members one of whom shall be a Muhammadan, to select persons for appointment to certain posts in the Corporation. The Provincial Government is vested with the power to frame rules whereby the number and conditions of service of the officers and servants to be appointed by the Service Commission shall be regulated. The result is that the communal ratio in Municipal services shall also be fixed by the Government of Bengal. The Hindu community who forms about 70 per cent. of the population of the city and who pays about three-fourths of the city's rates and taxes, have no representative earmarked on the Commission. And yet the Hon'ble Minister in charge has just now said that this Bill is not communal.

Clause 18 also inserts a new section under which the Corporation shall have no power to appoint any officer except on the recommendation of the Commission.

Appointments to posts carrying salary up to Rs. 250 per month shall be made by the Chief Executive Officer who will be appointed by the Government. Appointments to posts carrying salary over Rs. 250 per month shall be made by the Corporation of Calcutta, of course, nominally but really they are to register the recommendations of the Service Commission.

The Chief Engineer, the Chief Accountant, the Health Officer, the Secretary, the Deputy Executive Officer and every servant of the Corporation carrying salary exceeding Rs. 500 per month shall be appointed for a renewable term of five years.

Clause 18 inserts also another new section under which the Executive Officer is given power to dismiss, suspend, fine any servant of the Corporation getting salary not exceeding Rs. 250 per month.

Clause 5 seeks to amend section 19 by giving the Provincial Government power to annul any proceedings of the Corporation or any Standing Committee or Sub-Committee or Special Committee or to suspend any resolution passed by any of these bodies and clause 6 wants to introduce a new section whereby the Government is empowered to supersede any department of the Corporation. Lastly, clause 26 seeks to amend section 67 by empowering the Chief Executive Officer to sanction estimates up to Rs.10,000. Thus we see, Sir, that extraordinary

powers are going to be given to the Government by the provisions of this Bill and we on this side of the House can never be a consenting party to it, as they will mean a complete negation of the principles of local self-government which we value so much.

The items which really give power to the Corporation under the present Act are being sought to be taken away by the Government in order that the influence which the Corporation exercises over the affairs of the city of Calcutta can be exerted over by themselves. If it is the object of the Government to deprive the Corporation of these powers, let them say so openly and above board. Let them not under a camouflage mislead this House and mislead the public outside saying that the intention of the Government is not anti-national, that the intention of the Government is not communal and that the intention of the Government is to purify the administration of the affairs of the city of Calcutta. May I inform the House that the record of achievements of the Corporation under the Act of the late Sir Surendra Nath Banerjea in the spheres of free primary education and other social service activities can bear comparison to the achievements of any Corporation in the whole world.

Here I cannot do better than quote from the report of the Special Committee of the Calcutta Corporation which was appointed to consider this Bill and which was adopted by the Corporation only the other day. In 1923, that is, in the year just before Sir Surendra Nath Banerjee's Act came into operation, the Corporation had only 19 schools and the total number of pupils in the Corporation Primary Schools was only 2,468. In 1938-39 the total number of schools was 233, and the total number of pupils in these schools rose to 36,338. (At this stage the blue light lit up but the member was allowed five minutes more.) Compulsory Primary Education has also been introduced in certain wards of the city without imposing any fresh burden on this account on the rate-payers of the city. This is a progress of which any city can be justly proud. In 1910, the amount spent was only Rs. 42,595 and before the Constitution was democratised in 1923, the figure rose only to Rs. 99,337. In 1923 the Corporation was empowered to spend Rs. 1 lakh per year on primary education. In fact the Corporation has been spending more and more every year on primary education and industrial education and the budget for the current year includes Rs. 3,00,000 for contribution for primary and technical education, Rs. 12,52,500 for the improvement of primary education, thus making a total of Rs. 15,52,500.

In 1923 the sums spent for hospitals and dispensaries amounted to Rs. 1,80,000. In 1936-37 expenditure amounted to Rs. 1,20,000. In 1940-41 the budgeted figure is Rs. 1,36,000.

If we come to the number of patients treated at the Corporation dispensaries, there also comparison stands on the same footing. In

1923-24 the number treated in the Corporation dispensaries was 147,000. In 1936-37 it rose to 852,000 and this year it will go up to about one million.

In 1923 there were 4 Maternity units and the number of cases delivered amounted to 788 and in 1936-37 there were 7 besides 4 Maternity Homes and the number of cases delivered amounted to 6,688.

We contend and we maintain with the facts that I have just placed before the House that the achievements of the Calcutta Corporation in the past 16 years are such of which any other Corporation in India or for the matter of that, any part of the world, can well be proud. What then is the object which has impelled the present Government to introduce this Bill at a time when the whole world is passing through a very severe crisis, when the whole world is in the melting pot? Nobody knows what is in store for us to-morrow. Nobody knows what Nazi Hitler will do to the British Government, who are supposed or who proclaim to be lovers and defenders of liberty and democracy? We do not know all that, but this we know that the present Government is out in their mad career to undo the noble work done by the late Sir Surendranath not with the object of doing good to the people but with the sole objective of seizure of power. I hope and trust that if the members of the Coalition party who are the real powers behind the throne—if they really think for the future, if they want history and posterity to judge them as the real benefactors of their children and their children's children, let them with all the force that they can command with the Ministry demand that this Bill be withdrawn here and now or at least be circulated for the purpose of eliciting opinion thereon.

With these few words, Sir, I commend my motion to the acceptance of the House. (Cheers from the Congress benches.)

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, when I rise to speak on the Corporation of Calcutta, I speak from my personal experience of the Corporation of Calcutta, having been its member for four long years. Equally, I have had an opportunity of having a look into the ins and outs and the lights and shades of the present Government, having been a member of this distinguished House for some years. I am, therefore, Sir, in a position to estimate the comparative administrative efficiency of the Corporation of Calcutta on the one hand and the Government of Bengal on the other. Sir, if the Hon'ble Minister finds himself obliged to hang the Corporation of Calcutta for the second time for its various sins of omission and commission, I do not find any reason why the Government of Bengal should be immune from similar charges, if not graver, of incompetency and inefficiency.

Sir, it has been said in the Statement of Objects and Reasons that the appointments in the different departments of the Corporation have often been made on personal and party considerations. It reminds me,

Sir, of a famous proverb, and I should like to tell the Hon'ble Minister in charge of the Bill "Physician heal thyself." It becomes funny when the devil quotes the Scripture. (A VOICE FROM THE CONGRESS PARTY: Who is the devil?) (Laughter.) Sir, if the Corporation of Calcutta is to be hanged, I do not find any reason why this Government should be immune from such punishment, and as I have already said, the Government are also guilty of precisely similar, if not graver charges. (Rai HARENDRA NATH CHAUDHURI: Hear, hear.)

On the question of appointments being made in the Corporation on party and personal considerations, let me go into details. I challenge the Hon'ble Minister in charge as regards the appointments in the departments of Industry, Labour, Co-operative, to mention only a few. Can nepotism, favouritism, jobbery, corruption go any further? (Cries of "shame, shame" from the Congress benches.) Sir, it is no use denying the fact that there are defects in the administration of the Corporation of Calcutta. I admit that the standard of administration in the Corporation of Calcutta has been impaired. I say that there is nepotism; I say there is favouritism there, but, Sir, when I analyse the working of the present Government I find it is worse.

Sir, it has been stated in the Statement of Objects and Reasons "that to remove the Chief Executive Officer from the sphere of influence of individual Councillors and Aldermen of the Corporation of Calcutta ..... ", may I ask and ask seriously the Hon'ble Minister-in-charge, are they not themselves under the influence of the Coalition Party? Are they not themselves working under the direction of the Coalition Party? Well, Sir, I will ask the House to pause and consider why persons no less than Mr. N. R. Sarker, Mr. Syed Nausher Ali and Mr. Shamsuddin Ahmed could not work with this party? It is because these Ministers are under the direct influence of the members of the Coalition Party. So the alternatives in that case are that either the Coalition Party should be abolished or the Ministers must go. (Laughter.)

Sir, it has been suggested that a Statutory Service Commission should be set up on the lines of the Provincial Public Service Commission. They are going to set up a Commission—a Statutory Service Commission—for the appointment of the Chief Executive Officer and other officers of the Corporation. May I ask the Hon'ble Minister to rise up and place his hands on his heart and say, in how many cases they have vetoed the recommendations of the Provincial Public Service Commission, in how many cases they have respected and disrespected the recommendations of the Public Service Commission? (Cries of "hear" "hear" from the Congress Benches.) Does he believe and does he intend to say that this Statutory Service Commission will not be influenced by the Ministers? There are cases in which abortive or—successful, I do not know—attempts have been made to influence the

Provincial Public Service Commission. It has been suggested that the Chief Executive Officer will be appointed from some I.C.S. or B.C.S. officers of the Government. Am I to believe that all I.C.S. and B.C.S. officers are above suspicion, above influence? Are they all Cæsar's wives? (Loud Laughter.) If the Chief Executive Officer of the Calcutta Corporation—I mean, the present incumbent—does his work against laws and rules, who is responsible for this? May I ask and seriously ask the Hon'ble Minister-in-charge of the Bill to note that the Corporation of Calcutta would not even think of such infringement of the Building Rules, as has been committed by one of the Ministers here? (Cries of "hear", "hear" from the Congress benches.) I say, I proclaim and declare that the Congress administration would shudder to think of such violation and infringement of rules in the Calcutta Corporation. Sir, may I tell the Hon'ble Minister that only the other day, one Muslim graduate, at the instance of a certain Minister, has been given the job of the Superintendent of a certain market on a salary of Rs. 250 per month. Sir, a raw graduate of 21 years who cannot aspire to get a post carrying a salary of even Rs. 30 in the Assembly Department or in any department in the Writers' Buildings, has got this job. It is these Ministers who influence the Chief Executive Officer to do all these things. If there is any nepotism, if there is any corruption in the Corporation, it is due to the direct influence of some of the Ministers of the present Government. (Cries of "hear", "hear" from Congress benches.)

Mr. ABDUL WAHAB KHAN: And some of the Councillors!

Mr. SYED JALALUDDIN HASHEMY: Yes, some of the Councillors too—I admit that.

Government have suggested that in certain matters and under certain circumstances, certain departments would be superseded. I would have no objection and I would have supported if you had brought a resolution to repeal the Calcutta Municipal Act of 1923. But I do not understand how you suggest superseding a certain department of the Corporation. For that you will have to supersede at least three departments in the Writers' Buildings. First, be honest yourself and then ask other people to be honest.

Sir, the Congress Party is no longer in power in the Corporation. Now, it is the regime of the Muslim Leaguers—the undesirable Muslims have been driven out and very successfully. Does the Hon'ble Minister-in-charge of Local Self-Government know the method of administration followed from May to August? Does he know the appointments that have been made during this period and the method and policy followed by the Muslim Leaguers who went there——

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On a point of order, Sir. Is the honourable member to address me or the Chair?

Mr. SPEAKER: You are to address the Chair, Mr. Hashemy.

Mr. SYED JALALUDDIN HASHEMY: All right, Sir. Does the Hon'ble Minister know that one of the best educationists of Bengal was given an appointment as the Education Officer of the Calcutta Corporation, but that appointment has not been approved by the Muslim League administration of the Calcutta Corporation and does he know that attempts have been made to appoint one Assistant Education Officer from among the party for political reasons and for nothing else and the gentleman hails not from Bengal but from Bihar? And you come here and speak of the evils of the Calcutta Corporation!

Maulvi ABUL HASHIM: What about Dr. Sanyal's appointment there?

Mr. SYED JALALUDDIN HASHEMY: His appointment has possibly been cancelled.

Sir, no one would have been happier than myself if attempts were made to run the administration of the Calcutta Corporation in a smooth, honest and efficient line. But the line suggested by the Hon'ble Minister will not only not remove the evil but will aggravate it. The disease will not be cured but it will be more and more acute. (Mr. SANTOSH KUMAR BASU: And will become chronic.)

Sir, we speak of local self-government, but if these powers are taken away from the Calcutta Corporation, will any self-respecting Muslim member of the Calcutta Corporation continue as Councillor of the Calcutta Corporation? I believe not. Sir, the Hon'ble Minister-in-charge of the Bill will, I think, agree with me that this Bill attempts to strike at the very root and foundation of the autonomous structure of the Calcutta Corporation. It will be better, as I have already suggested, to supersede it and put it within the portfolio of one of the Ministers in the Writers' Buildings. That we can understand. But what right have you got to interfere with the civic administration of the Corporation of Calcutta? To-day you are taking away some powers of the Calcutta Corporation; to-morrow you will go to the mufassal and take away all the powers that have been given under the Local Self-Government Act. You will proceed still further to take away all the small powers that have been given under the Village Self-Government Act. There will be no end of your greed. I, therefore, appeal to the members of the House to oppose the Bill. I am not in favour of even circulation of the Bill. I was thinking of opposing the introduction of

this Bill; this pernicious Bill ought not to have been introduced. I am giving you a note of warning. At present you have got sufficient power to disapprove of the appointment of the Chief Executive Officer. The present incumbent will be there till March, 1941. If you have any intention of appointing a new man or a better man, you ought to have made that arrangement earlier; you should have asked your own Government, the Muslim League Government, to make that arrangement. But you have not done this. Your efficiency has been further increased by a pact with Mr. Subhas Chandra Bose. You cannot deny the fact that you are holding the rein of the administration of the Calcutta Corporation. Give a trial to that party which is in a majority. Let them have a chance.

With regard to the appointment of the Chief Executive Officer you can approve it or you may disapprove it if you like. The other day against the will of the Corporation you approved of the appointment of a Health Officer, an incompetent Health Officer, knowing fully well that he has no experience in the matter of the health of a city. We were ready to bring in an efficient officer, if necessary, from America, France or from other countries, but your department approved of an L.M.S. doctor. (A VOICE: কত টাকায় ?) I do not know exactly; possibly Rs. 1,200 to Rs. 1,500. (Dr. NALINAKSHA SANYAL: The Corporation recommended it.) I think the Nawab Bahadur of Dacca will agree with me that we pointed out the defect of that recommendation and said that it was *ultra vires*. Knowing full well that a certain portion of that recommendation was absolutely illegal, Government proceeded with the appointment. While you are responsible for this sort of appointment, you come forward and say that there are corruption, jobbery and other malpractices in the Corporation, and you want to put a stop to them. You are doing everything on party considerations.

Dr. NALINAKSHA SANYAL: What was the consideration for that approval?

Mr. SYED JALALUDDIN HASHEMY: That is for Government to say. They have got enough power to dissolve the Corporation if it neglected to do its duties. Still they are introducing a Bill which is absolutely unnecessary. They are taking powers to dissolve the body of Councillors and Aldermen whenever they like. That also is absolutely unnecessary.

The Hon'ble Minister has suggested the appointment by Government of a Government officer as Chief Executive Officer of the Corporation and conferment of certain important powers on him. We expected——

(Here the member reached his time-limit but was granted one minute's time to finish his speech.)

There are anomalous provisions witih regard to the health, food adulteration, and other important matters concerning the public health of Calcutta and its suburbs. You have not tried to remove those anomalies. Only for party considerations, you have brought this Bill. If you have any intention of doing any good to the citizens of Calcutta you should have amended those anomalous sections which deal with adulteration of food that is going on in Calcutta. You have not done that. You are only concerning yourselves with appointment, appointment, appointment. You have got that power already. Why bring in another Public Service Commission? Why not say that the Provincial Public Service Commission will exercise double functions?

With these few words I move my motion by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th September, 1940.

Sir HARI SANKER PAUL: The proposed Municipal Amendment Bill is a measure for further curtailing the local self-government in the city. The main features of the Bill with the appended Statement of Objects and Reasons are a clear indication of the very reactionary nature of the measure although it must be conceded that there are certain provisions in it, and quite few in number, that are calculated to contribute to an improvement in minor matters.

If the last Municipal Bill which was passed only the other day doing away with the system of Joint Electorate met just and stiff opposition from all quarters interested in the advancement of the city, the proposed Bill with definite provisions for increased Government control, absolutely unwarranted by facts and circumstances over the Corporation administration is certainly most retrograde in nature which ought to meet with strong public condemnation as a measure wholly unworthy as much of being accepted by any democratic civic institution as of being sponsored and piloted by any Government run on democratic basis. The very spirit permeating all throughout the Bill is most regrettable as the measure bids fair to give the go-by to the last vestige of self-government enjoyed by this civic institution of the premier city of India. The time is undoubtedly thrice inopportune for a measure of this drastic nature being forced on an institution scarcely prepared to receive it. The repercussions of the world conflagration have been only too grave and serious here to allow any forces of a disintegrating nature work up an atmosphere of squabbles of mutual distrust. Apart from this, I do not think that any sound case has been made out for laying a desecrating hand on the memorable handiwork of one of the noblest patriots of India, Sir Surendra Nath, of hallowed memory. The Bill as it is merits only severest castigation.

It must not be forgotten that standard of perfection can only be expected in Utopian institutions and imperfections are the constant

factors of all institutions particularly those growing ones moving on lines of expediency like the Calcutta Corporation. It is only the degree of these imperfections that matters and the actual or possible harm emanating therefrom has to be tackled with imagination and foresight which one seeks for in vain in the Bill. If the efficiency of the Corporation administration has not been of a high standard during the last 16 years as the author of the Bill says, it would be worth while to have a peep into the pages of history of its administration during the period preceding under the stewardship of the official Chairman and I am sure that will present no happier aspect of things. With the materialisation of new schemes of service to the rate-payers in various directions the volume of work of the Corporation has increased immeasurably, deficiency has naturally increased specially in the period of progressive development at these changing times and in changing circumstances. There are undoubtedly more prudent and practical ways of reducing deficiencies and thereby enhancing the efficiency of the Corporation than that suggested in the Bill which is tantamount to killing the patient to relieve him of all ailments and weaknesses. The very presentation of the Bill is an insult to the intelligence and even the ordinary foresight of the author. Conceding for argument's sake that the Corporation has failed sadly in its duties to the rate-payers and that all efforts at reformation have been in vain, does it stand to reason that it is to be permanently crippled with a statutory measure when its supersession with the mobilisation of public opinion in favour of that is open to Government to take recourse to? Can the Government aver that all its departments are being run with ideal efficiency and high moral tone and that the whole administration of the Government has been upholding the people's interests admirably without being influenced by unwarranted communal bias and party considerations at the cost of justice, equity and advancement of people's interest in general? Evidently, it cannot; what guarantee is there then that the efficiency in Corporation administration will increase and will be maintained and its moral tone will be elevated by its being brought under the thumb of Government and in fact being converted into a Government department by a statute?

On principle I do not for a moment appreciate the introduction as much of politics as of communalism in civic affairs because in my opinion political thoughts and considerations and communal bias are scarcely possible to be kept within due and moderate limit if allowed a free scope in the Corporation and also because they have, I hold, little bearing on the functions of a civic institution. But much as we desire this state of things it is idle to ignore that in these dynamic times national life in India, as in other countries, has come to assert itself more than anything else and politics has necessarily permeated through every phase of our life and as such, it is quite difficult to get civic life

absolutely divorced from politics. The presence of politics in moderation in the Corporation cannot be considered a stigma nor can it be made an issue for drastic curtailment of Corporation power through a subservient majority in the Legislature.

Appointments on personal or party considerations and frequent interference with the Executive have been sought to be made much of in finding pleas for the introduction of the proposed measure. I do not mean to belittle the baneful effect of such influences at work and would view their disappearance with delight. But except in Utopian organisations those have always continued and will ever continue in some form or other, from a practical point of view their absolute suppression being an impossible feat; their modes may change according to the vesting of power and authority in individuals or in bodies. It is only right to prevent things from being carried beyond proper limits and to make the consequent and necessary changes in the rules modifying the programme and policy of the Corporation through its own machinery and not through the Legislature.

Coming to some specific objections to the Bill I would like to make the following observations:—

Clause 2.—The appointment of the Chief Executive Officer by the Provincial Government as contemplated in the proposed Bill will take away the last shred of freedom from the great self-governing institution and render it more or less a Government institution particularly in view of the unwarrantably very wide powers he is to be vested with. Such an imposition of a permanent nature enforced through Legislature is unthinkable and is hardly compatible with municipal administration and can never be accepted. In my opinion this clause must be taken out and the question of the appointment of the Chief Executive Officer is quite adequately and satisfactorily answered by the present system.

Clause 3.—This power of dissolving the Corporation proposed to be vested in the Government is beyond all propriety and proportion, is most strongly opposed and should not be in the Bill. Even if there be a dissolution for arguments' sake the Corporation Mayor and Deputy Mayor must go as they have no executive function.

Clause 4.—This clause is not acceptable and should be taken out as the function contemplated can well be discharged by the respective Committees.

Clause 5.—The present power of the Government is quite adequate and further arrogation of power, as contemplated in the Bill, of annulment of Committee or Sub-Committee proceedings or suspension of Committee or Sub-Committee resolutions will be unwarrantably taking away Corporation authority now obtaining in the matter. The definite

inapplicability of such a law arises, as in the matter of the Buildings Committee, from the inherent defects in the Building Rules that evidently make the decisions of the Building Committee also inherently defective. Without first modifying the Building Rules and making them more workable the question of scrutinising the Committee decisions and resolutions cannot arise.

Clause 6.—It is one of the most reactionary clauses in the new Bill. Supersession of a Corporation Department by a Government official making him the sole arbiter in connection with the function of the department is certainly highly prejudicial to the interest of the department and consequently of the rate-payers. It is difficult to understand how an outsider is expected to efficiently discharge his new heavy responsibilities. This is tantamount to over-riding the whole department and may run counter to the policy of the Chief Executive Officer. Further, should by chance or circumstances the person selected be found to be below the mark or otherwise than honest or sincere, the misuse of the widest authority is bound to ensue with the shattering of the people's interest along with that of the department. This is hardly in keeping with the spirit of municipal administration and should not find a place in the Statute Book. Subject to what has been stated above, the expenditure to be incurred in this connection, if any at all, should not be in excess of the normal. Of course, if need be or circumstances demanding the officer in charge of the department concerned may be removed forthwith and a better man placed there without any additional authority and after proper enquiry, the delinquents may be brought to book. Dissolution of Corporation has already been dealt with before.

Clause 7.—The proposed extension of the franchise has scarcely any cogent reasons for its inclusion in the Bill. The trend and spirit of the whole Bill go against the accepted ideas and ideals of civic administration and quite surely breathes an atmosphere of distrust in the capacity of the electorate to be wise in returning good representatives to guard their civic interest in the Corporation. As such, a further lowering of the franchise can hardly be accounted for in the light of the above. In case, however, the franchise is extended, as contemplated, only those names of the bustee tenants should be included in the electorate that have already been recorded in the Assessment Book.

Clause 13.—Arrears for more than one year in respect of any rate or tax payable by the Councillor or Alderman may be a disqualification to his continuing as such in respect of areas or the results of cases under dispute. The occupier's share of the municipal tax in respect of any premises should entail the first charge on the property irrespective of the fact that the amount was payable by the occupier.

Clause 18.—The proposed appointment of the Service Commission by the Government is an imposition which is most strongly resented. This will be snatching away from the Corporation the power to appoint its important officers.

The composition of the Committee as well as the appointment authority with which it is vested cannot be supported for a moment. A stricter adherence to competitive examination and a more careful and assiduous functioning of the Corporation Service Committee would no less efficiently answer the matter and purpose of appointments in Corporation service. A wiser and more proper apportionment of jurisdiction between the Chief Executive Officer and the Committee in this connection may be made after considering all aspects of the question subject to the approval of the Corporation or Government as the case may be.

Clause 25—Section 66A.—The proposed vesting of authority in the Chief Executive Officer to sanction any estimate up to Rs. 10,000 is uncalled for, for reasons stated in clauses 2 and 4.

Clause 26—Section 67(2).—The contracts are all to be made through the respective Standing Committees and the proposed giving of full power to Chief Executive Officer to make contracts, with certain conditions, does not stand to reason and will have a baneful effect through the least indiscretion or indiffencee or over-zealous ways of that single person, the Chief Executive Officer, which is not very unlikely to happen.

Clause 43—Section 334A.—The representation by the adjoining building owner in connection with any unauthorised work in a building in respect of which any relaxation is to be allowed must be made within two weeks from the date of sanction. Provision should also be made to deal with the unreasonable or vindictive attitude of such owner making the representation.

Mr. SPEAKER: How long will you take?

Sir HARISANKER PAUL: Only one minute more, Sir.

As *mala fide* complaints have, during my experience as Chairman of several successive Building Committees, been found to be numerous much to the harassment of parties concerned and to the useless waste of time of the said Committees, a provision should be made enforcing a deposit of Rs. 500 from the complainant if and when he makes the complaint. Further, it should also be provided for the forfeiture of this deposited amount if the complaint made is found to be frivolous and of a *mala fide* nature.

Mr. SPEAKER: I am sorry I have to adjourn the House. Otherwise, I would be glad to give you a minute or two.

Sir HARI SANKER PAUL: I won't take more than half a minute, Sir.

Mr. SPEAKER: You can continue your speech after the adjournment for half a minute.

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Sir HARI SANKER PAUL: Sir, the provision made in the Bill authorising any rate-payers to lodge complaints against the unauthorised work in any building in Calcutta is something too wide and cannot be supported. Such procedure may lead to unnecessary harassment and blackmailing of parties against whom the complaint is made.

Clause 44—Section 365(A).—The modification suggested is that only those materially affected by the erection, alteration or otherwise of any building done without proper Corporation sanction should have the right to file the objection mentioned in the Bill. But all these, though well intended, will absolutely impede work of the Building Committee unless the Building Rules, inherently defective, are made more workable beforehand.

Quarterly statement of rules relaxed may be good but what is feared is that both Government and Corporation moving dilatorily the work of the Committee will suffer which will also be prejudicial to rate-payers' interest.

The appointment of a Government official as the Chief Executive Officer has already been vehemently opposed. Then again, vesting autocratic powers and authority in him would have a serious reaction on city's interests should he be found less than an angel in qualities. Further, to ensure efficiency he must have thorough knowledge of the details and working of all the departments which is almost an impossible feat unless he is a superman. Any measure of this type is bound to be a failure.

Further, bestowing upon this Government-appointed Chief Executive Officer the authority of making all contracts on behalf of the Corporation is tantamount to transferring the patronage from the Corporation to the Government. Shameless arrogation of power due to others cannot go further and this proposed procedure should be taken out with the least consideration.

Maulvi MUHAMMAD ISRAIL: Mr. Speaker, Sir, I rise to support the motion for reference to Select Committee of the Calcutta Municipal Amendment Bill, 1940. This House no doubt recently passed an amendment of the Calcutta Municipal Act but that only dealt with the form of electorate and the number of seats allotted to different communities and interests. The amending Bill before us is long overdue and we were pressing upon the Government all along to bring an amending Bill to clear the Augean stable of its latent and patent impurities. This Bill though not up to our expectation seeks to do some belated justice to some of the grievances of the Calcutta Corporation. I agree with the main principles of the Bill though I do not agree with the details.

Let me analyse the main provisions of the Bill. Clause 7 of the Bill seeks to lower the franchise. This is a principle which is the keynote of democracy and this attempt to democratise the Corporation will no doubt be welcome to all lovers of democracy. But the extent to which the franchise is proposed to be lowered in this clause is a mere eyewash and wholly illusory. If we look to section 23 of the Bengal Municipal Act of 1932 and the rules made thereunder, we find that the minimum sum, the payment of which in respect of municipal fees and taxes would entitle a person to vote in a municipal election, is only 8 annas. The franchise qualification of a voter in a municipality was lowered to annas 8 in 1932 while in 1940 we are lowering the qualification of the voter of the Calcutta Corporation from Rs. 12 to Rs. 6 and from Rs. 25 to Rs. 12. In Assembly elections also the minimum franchise qualification is payment of six annas Union Board rates. I fail to understand why the franchise qualification of the Corporation is proposed to be kept so high.

I beg to draw the attention of the House to another aspect of the question, that is, educational qualifications. Section 23 of the Bengal Municipal Act of 1932 provides that any one who is a graduate, licentiate of any University, a Matriculate or passed the High Madrasah or the Senior Madrasah Examination or the Sanskrit Title Examination, a registered medical practitioner or a pleader or mukhtear can exercise his franchise and this educational qualification is recognised in Union Board, Local Board and Assembly elections. Such being the case it is surprising to find that Calcutta which is the seat of all learning and culture and where the number of educated people is as plentiful as blackberries does not recognise education as one of the qualifications of franchise.

So my humble suggestion is that franchise qualification should be lowered to annas 8 as in the case of other municipalities, and education should be recognised as one of the qualifications of franchise.

The next important provision is to be found in clause 18, by which the Bill seeks to set up a Public Service Commission, consisting of a Chairman and two members to be appointed by the local Government. The function of the Commission will be to advise the Corporation on all disciplinary measures including memorials and petitions relating to such matters affecting any officer or servant of the Corporation and no appointment to a post under the Corporation shall be made except on the recommendation of the Commission. This is a move in the right direction and I think it will receive support from all sections of the House, particularly the Congress who attach the highest importance to the recommendations of the Public Service Commission.

So far as the Calcutta Corporation is concerned, there has been an insistent demand by the public for setting up a Public Service Commission to free the Corporation appointments from the influence of a coterie of Councillors and Aldermen.

So far as clause 17 is concerned, it wants to make the Chief Executive Officer free from the influence of individual Councillors and Aldermen. This also, I think, is a necessary reform in view of the bitter experience of the past. It may be said that it is a retrograde step. I fully agree but the experience of the past 16 years justifies this step in the best interests of the rate-payers.

Sir, I have to point out that my friend Mr. Satya Priya Banerji has tried to dub this Bill as communal. The word "Muhammadan" occurs only in one clause, that is, clause 18. There the Bill provides that of the members of the Public Service Commission there will be one Chairman and two members, of whom one should be a Muhammadan. That is the only thing that has been referred to there. If the Government of Bengal did not make any mention that one of the memberships should be reserved for a Muhammadan, and if they had kept it vague and indefinite, they could have filled up both the posts by Muhammadans but Government want to place their cards before the House; they have in so many words stated in the clause that they want to reserve one post for the Muslim community which is one of the most important communities in the province. Moreover, Mr. Banerji has tried to show by reading a passage, I think, from the Calcutta Municipal Gazette that under the rules to be framed by the Provincial Government the percentage may be fixed about the services of the Corporation. But I may refer my friend to sub-clause (*4*) (*b*) of clause 18 wherein it is stated that the Provincial Government shall prescribe by rules made in this behalf the number and conditions of service of the officers and servants to be appointed by the Commission and the manner of their appointments. So there is no mention so far as the percentage of services is concerned; that will be prescribed by the Corporation. The only thing is that the number will be determined by the Government. The Provincial Government will not determine how many will go to the

Muslims, how many to the Scheduled Castes and how many to the Caste Hindus or other communities. So it is not right to say that the Provincial Government by prescribing rules under the proposed Act will make it rather communal.

So far as my friend Mr. Hashemy is concerned, he has himself admitted that there are instances of nepotism and favouritism in the Corporation. He only tries to justify that because there may be or may not be some defects or some fault in the administration of the Government of Bengal and he opposes the Bill on that ground.

On these grounds, Sir, I oppose the motion for eliciting public opinion and support the motion for reference to Select Committee.

Mrs. NELLIE SEN GUPTA: Mr. Speaker, Sir, I rise to support the amendment moved by my friend Mr. Banerji.

I am really surprised that this so-called popular and democratic Government could think of bringing in a Bill of the nature of this Municipal Amendment Bill. Mr. Fazlul Huq was in the Corporation, and yet it is his party which is supporting this Bill which is endeavouring to take away the powers of the rate-payers of this city. The rate-payers choose their representatives. The money spent by the Corporation comes from the rate-payers; so they have a right to say what they want and what they want to be done with that money. They have a right to say how the city should be managed, and yet this Government is wanting to take away the right, and, I am sure, every citizen of this city of Calcutta will resent this.

A few years ago, the Corporation was managed by the beaucracy and it is quite evident that it was not satisfactory because we know that there was an agitation and that agitation was the means of some members being elected from the citizens for the Corporation. That evidently was an improvement on the old regime, and, again, in 1923, Sir Surendranath Banerjee, through another agitation, was able to pass another Bill which vested the Corporation with the powers of electing the Mayor and the Deputy Mayor and appointing the Chief Executive Officer and other officers. Now, this arrangement—which from my point of view was satisfactory, and, I think, from many people's point of view also was satisfactory—went on for many years.

I admit there are faults in the Corporation. But, is there any perfect administration in any country? I am sure, our Government—our present Government—would never suggest that their administration is entirely perfect. Then, why do they feel that they have a right to rule the Corporation? I am sure, His Excellency the Governor often feels that he cannot approve of many things that happen—many things that are done by this Government. He himself feels that many wrong things are done by this Government, but, he has not attempted to

supersede this Government. (Cries of "Hear," "hear" from the Congress benches.) Then why should this Government want to supersede the Corporation? This Government has a long list of all the things the Corporation has not done and of the wrong things that it may have done? But does the Government never remember the good things it has done for the last 16 or 17 years? Does the Government never remember the enormous increase in the Primary Education Schools where the poor and even the poorest can have their children educated? Does it never look round and see the increase in the number and size of the hospitals—how, years ago, it was almost impossible to get a poor man or woman go to a hospital, because for some reason or other they had a feeling that if they went there they would not be cured. Now, one has only to go to any hospital to see that these hospitals are overcrowded and they have sometimes to refuse a number of patients. What does this show? Does this not show that the Corporation—the representatives of the rate-payers who are in the Corporation—are really trying to do their best for the poor people? Look at the number of Maternity Homes where poor women can go when they are having their children and can get proper treatment and diet. Look at the clinics where people can get proper advice and every care. Look at the milk kitchens where a mother knows that her baby can have a feed of milk at least once a day. Also look at the dispensaries—they have increased enormously in number. Yet you say that the Corporation has done nothing! I am really surprised that this Government should dream of interference! Don't you ever wonder what your children and those who will come after you will think about the Government that tried to take away the power that had been given to the people of Calcutta to manage their own City, to spend their money as they wanted?

The Minister said—"why are you afraid of some of the clauses of this Bill? We shall not make use of them." If you are not going to make use of them, why are they there? This is an age of independence and self-determination. What are you going to do? This is an age of independence all over the world, and, in India, people are trying their best to gain independence and the power of self-determination and yet you are trying to ruin it in every way. I beg of you to think a while before you try to put this Bill through. If you feel that it is such a good Bill, then why don't you circulate it, and why are you afraid of asking the people their opinion? Circulate the Bill first, hear their opinion and then try to pass it.

There are undoubtedly some very good clauses in this Bill, for instance, the franchise matter. But why do you take away with one hand what you are giving with the other? There is a clause on Building Regulations which I think is a very good clause. But there is a clause on the Service Commission which, I think, is a very bad clause and certainly it should be removed. Then there is also another clause

by virtue of which if one day Government feels that some of the departments in the Corporation are not being run to its own idea of satisfaction, it will send a man and perhaps we shall hear that the Assessor or the Secretary has been asked to stand down and an officer of the Government will run the departments. Is it possible to run the Corporation in that way?

Again, I say that I support the amendment of my friend, Mr. Banerji, and I hope, Government will think well and circulate this Bill before they try to pass it.

Mr. SHAHEDALI: Mr. Speaker, Sir, on the last occasion when the first Calcutta Municipal (Amendment) Bill was considered, we raised the question that there should be joint electorate with reservation of seats. We apprehended that if joint electorate be not considered, there was every chance of non-Bengalis coming in and taking the place of Bengalis. At that time the Hon'ble Minister told us that it would not be so. But the result has shown that the Siddiqis and Ispahanis and other non-Bengalis have crept in and the seats of Bengali Muslims have been captured by non-Bengalis, and unless the system is changed the result will be always the same.

Sir, Islam is a democratic religion; it teaches us democracy and the present Minister, I mean the Chief Minister, happens to be the leader of the Muslim League in Bengal and we thought that the principles of Islam would be safe in his hands and that he would die for Islam, but the introduction of this Bill has compelled us to form a different opinion of him. Islam is a democratic religion and we wish we would die to preserve democracy in all self-governing institutions. If the British Government accuse Hitler and Mussolini as reactionaries and enemies of democracy and when they declare that the aim of this war is the establishment of democracy all over the world, as supporters of the British Government our aim should also be democracy. We are to see whether this Bill is going to give a healthy tonic to the institutions of democratic principles or it is going to officialise the institution. Sir Surendranath Banerjee tried his best to save these self-governing institutions from the clutches of officials. This Bill, if enacted into law, will officialise all the institutions. The members coming from the mufassal may think that this Bill will only affect the Calcutta Municipality but I can tell them that from the city of Calcutta the Government will run towards the mufassal and the mufassal municipalities will be officialised also. (A VOICE: All right.) If you say all right then I must say "do not cry for democracy". What is done by the Leader will always be supported by the followers. (A VOICE: All right.) I say through you, Sir, that they should not say all right. They should say "Save us from his master's voice".

The object of the Bill is this: "The experience of the working of the Calcutta Municipal Act, 1923, during the last 16 years has demonstrated that the political views of the party in power in the Corporation have very largely influenced the day to day administration of the Corporation, with the result that the efficiency of the administration has been impaired." May we ask whether the same thing has not happened in the Government of Bengal? Are they not giving posts on party basis? I can quote several instances to show that the present Government also are favouring this principle. Once Sir Nazimuddin told us that he was for justice and that he was not favouring his followers. This principle I appreciated but in the present Government justice is nowhere to be found. Favouritism is always being shown to his followers and appointments are not given to those who can claim them. I do not know for what consideration they are doing all these things. If my friends are sanguine that by this amendment the interests of the Muslims will be best served, I may say that the interests of the Muslims will never be served. We have seen that whenever there is a vacancy, and applications are invited, the M.A.'s and B.A.'s are not given the appointments; they go to Muslims who have got no qualification or have got half or no education. The other day the Hon'ble the Chief Minister in question time referred to appointments in the Registration Department and in the list of appointments you will find the names of many I.A.'s or read up to I.A. or read up to Matriculation (Mr. ABDUL WAHAB KHAN: No.) I can show that from the year 1937 not a single Muhammadan has been taken from the Tippera district. Why? Do you think there is a paucity of qualified Muslims, dearth of B.A.'s and M.A.'s in that district? I say "no". Tippera students head generally the list of successful graduates and no graduate was found to be fit for the post of a Sub-Registrar. The reason is that no reliance is placed on the educational merits and their choice falls on those who have got extra-education qualifications.

One good thing is to be found in the Bill, that is it provides for lower franchise in certain respects so as to allow the poorer section of the community to vote in Corporation elections and also to enfranchise the occupiers of huts in a bustee. This portion of the amendment we welcome as it should be. I beg to submit that I do not say that there is no corruption in the Corporation, I do not say that there is no nepotism or that there is no favouritism in the Corporation but I say that these can be remedied in other ways. (A VOICE: How? What are the ways?) You have read in the newspapers the other day that in Bihar or in some other province (I do not remember exactly which) some Sub-Judge used to take bribe. The officials knew about this and Government made it a point to investigate into the matter. A case was instituted through the help of the officials. The moment the Sub-Judge took money and put it in his pocket, he was arrested. Therefore.

I say that if the Government appoint some detectives to check bribery, half of the bribery will be stopped without delay.

As regards the question of principle I do not see why Government should officialise self-governing institutions. In a self-governing institution we are given opportunity to learn certain preliminary things, and we do not want that Government should have control over those institutions.

With these words I support the motion for circulation.

Mr. PULIN BEHARY MULLICK: Mr. Speaker, Sir, to any one who has access to the secrets of the internal administration of the Corporation of Calcutta there can be no doubt whatsoever that the most striking feature of the present administration is interference with the executive. This interference must be clearly distinguished from the regular and legitimate orders and directions of the Corporation on the executive. These orders and directions are expressed by the resolutions of the Corporation and the executive are bound to carry them out. In giving such orders and directions there cannot be any question of interference so long as these orders and resolutions are passed in the exercise of the legitimate powers, functions and duties of the Corporation or of the Standing Committees and in issuing which there is no usurpation of authority or infringement of law. This does not amount to interference. But when the executive is sought to be hampered in their daily task of administration by the Councillors in their individual capacity, the result is of a most damaging character. It is this class of interference which the Bill seeks to correct and which has been the feature of the administration since the inception of the Calcutta Municipal Act, 1923. Examples of such interference are well-known to anyone who has even a superficial knowledge of the present administration of the municipality. (Mr. ABU HOSSAIN SARKAR: Did you ever make any protest on this matter in any Corporation meeting?). A few instances of such interference may be cited:—

(1) Interference by individual Councillors in the matter of appointment. When the Chief Executive Officer had the power to make appointments, it was common experience that in making appointments he had to yield to outside pressure exerted in a manner not conducive to the recruitment of the right type of material.

(2) Individual interference in fixing assessment of holdings. The cumulative effect of this has been to affect substantially and in an injurious manner the valuation of the city.

(3) Interference with the executive when they attempt to improve the sanitation of a locality. Notices may have been issued on the owners of holdings where there are cattle-sheds. There are instances where individual Councillors have approached the executive to relax such notices. (Cries of "shame", "shame" from the Coalition Party.)

(4) Undue influence has been brought to bear on the head of the executive when he attempted to punish a delinquent subordinate. The delinquent has access to individual Councillors, who brought to bear their influence upon the Executive Officer with results which are disastrous to the morale of any administration.

(5) Attempts have frequently been made to induce the Chief Executive Officer to interfere in cases pending before the Municipal Magistrates instituted for offences against the Municipal Law. Sir, this is a most pernicious feature of the present administration.

Now the question arises as to what is the reason that makes the Chief Executive Officer so susceptible to the influence of individual Councillors. The answer is obvious. It is because on the votes of these individual Councillors that he has to rely immediately after his term of appointment expires, and the question of his reappointment looms up. After all an officer or employee in any organisation from the highest to the lowest cannot afford to overlook his personal interest, and whenever such interest comes into clash with the interest of the administration, human nature being what it is, the instinct of self-preservation triumphs. The fault therefore lies in the system which places the Chief Executive Officer within the reach of individual Councillors and Aldermen.

The Bill places the head of the executive beyond the reach of Councillors and Aldermen and to that extent seeks to render a public service of the highest importance to the entire body of citizens of Calcutta. The executive will now be in a position to function in a determined manner free from all influence without fear or favour. (Mr. Jogesh Chandra Gupta: Well, let us take a referendum from the citizens of this city.)

Now, Sir, in making selections for appointments during the last 16 years that the Corporation has been working under the reformed constitution, the influences and idiosyncracies either of individuals or of the party in power have nowhere been more manifest than in the quality of the staff ultimately actually recruited by them. Such recruitments have been made not with an eye to efficiency, not with a view to get the best men for the job, but on extraneous considerations.

The remedy suggested by the Government is to entrust the task of recruitment to an outside body unaffected by the currents and cross-currents of Corporation politics. Then, again, Sir, this will have a further advantage in the fact that the material so recruited will not be subservient to any particular group or party in the Corporation, as he would not have to depend on such party or group for his appointment. Human nature being what it is, the employee who will be appointed through the influence of a particular party or group, naturally will favour that particular party or group in his official career often at the expense of general public interest.

In this connection, Sir, I would like to draw the attention of Government to the important fact that of the three members of the proposed Public Service Commission one should belong to the Scheduled Castes. (Cries of "hear", "hear".) Members of the Scheduled Castes form one-fifth of the total population in the province. Their interests so far have been lamentably neglected in the Corporation.

Other provisions that have been sought to be enacted in the Bill refer to the assumption of powers to annul or suspend the proceedings of any Corporation meeting or of any Committee meeting or to dissolve the Corporation. So long as the statute under which the municipal Corporation of Calcutta works is a creature of the Provincial Government, there is nothing illogical in the assumption of such powers by Government. These powers will remain in the Statute Book to be applied only when occasion arises. It would serve as a corrective to be employed only on occasions of emergency. If the Corporation functions in a normal order, if its day to day administration is faultless, if everything in the administration proceeds in a smooth and orderly manner, then there will be no occasion to utilise these powers which are of an extraordinary character to be used only when the morale of the administration is disintegrated owing to the inefficiency or incompetence of those charged with the task of administration.

Mr. MIRZA ABDUL HAFIZ: Mr. Speaker, Sir, I rise to oppose the motion for circulation for the purpose of eliciting public opinion by the 31st December, 1940, moved by my friend, Mr. Satya Priya Banarji.

The reason for the motion of circulation by my friend is obvoius. It is nothing but to kill the child at its very birth. What for one may ask. For the last dozen years and over we have witnessed a severe tug-of-war between the different parties of conflicting political views to control the administration of the Calcutta Corporation. Sometimes we have seen throwing mud and some obnoxious things to one another in some public meetings before the public eyes. Nepotism has been so long reigning supreme top to bottom. Party politics and party frictions have impaired to a great extent its administrative efficiency, competency and good reputation so strongly vouchsafed and perhaps against the intention of the great soul of that noble patriot Sir Surendra Nath Banerjee. Rank communalism spread its sway over its whole limbs and branches most impudently. But curiously enough some of those who are communalists to the backbone assume themselves to be the nationalists of the first order and accuse their other honest critics to be rank communalists. And when a person no less than Mr. Subhas Chandra Bose has called the Corporation as an Augean stable they have remained silent dying within themselves in morose

gloominess. They immersed themselves so long in profound contemplatory satisfaction with the thoughts that their so-called reckless reign of supremacy within the narrow boundary of the Corporation would continue till the day of judgment. So corruptions in and out and violation to the principle of morality very often even in the sanctity of holy educational sphere by some were not considered sufficient to awaken their moral senses.

However, if time and circumstances have at last brought them to their senses, it is better for all. Sir, being intoxicated and blinded with power they have trampled under foot with don't care attitude the just and fair causes of the Scheduled Castes, the Anglo-Indians, backward Hindu minority classes and of the Muslims and Europeans too, but now they are not ashamed to adopt the method of Hitlerian propaganda by repeating again and again a quite contradictory fact with double force. Such is the nature of the vested interests' queer mentality. Sir, if they have violated the Law of Nature, if they have perpetrated something wrong against the principles of Nature, the Law of Nature must not forget them. The Council which put a great hardship to the tenantry of Bengal in the year 1928 by making a provision of the landlords fee of Rs. 20, law of pre-emption, etc., the self-same legislature repealed the same obnoxious law just a decade after to bring it to an equilibrium by the true representatives of the people. Now time has come when the scale can no longer be so impudently weighed down on one side, but it must be kept just on the right balance. No excess. So, the aggrieved classes must have their just and legitimate rights, nothing more. This principle may undoubtedly inflame the hearts of some vested interests. So they may raise in vain hue and cry around, but the caravan should and must pass on.

However, Sir, to put a stop to the maladministration, corruption and high-handedness, callousness and indifference to the rate-payers and different minority communities, the present Calcutta Municipal (Amendment) Bill, 1940, has been rightly introduced into the House and sought to be referred to the Select Committee.

Coming to its merits we find that the intentions of the Bill are to put the Chief Executive Officer free from the party politics of the Councillors and Aldermen, to make the appointments over Rs. 50 subject to the recommendation of an impartial Service Commission to be appointed and to vest more powers in the provincial Government to control the diabolical and ambiguous affairs of the Corporation. Sir, the Hon'ble Nawab Bahadur, who has sponsored this Bill, did not claim it to be complete, and exhaustive; rather he has expressed himself in unequivocal terms to invite the members of different shades of opinion and to join hands with him to improve it by removing the defects and

difficulties, which is quite fair and justifiable. I, therefore, appeal to the honourable membrs of this House to put their heads together by sinking all their differences to improve the Bill in the Select Committee.

In this connection, at this stage I may well warn my friends in the opposite that they are not, I am afraid, well advised and well guided in adopting the course of opposing the motion for reference to Select Committee, and thereby opposing the Bill. I may warn them that if they go on in this way opposing every beneficent measure simply because it is going to be done by the Huq Ministry, then a time would come when they themselves and their posterity will know not where to hide their heads in shame. They walked out, Sir, nay some of their Ministers even resigned at the time of passing of the Free Primary Education Act, 1930. They opposed the Tenancy Act, 1938; they are opposing the Secondary Education Bill, 1940, and so on and so on. And now they are opposing this Bill. Can the so-called vested interests be so blinded seven-fold? However, Sir, with these remarks I oppose the motion for circulation and support that of reference to Select Committee moved by the Hon'ble Nawab Bahadur of Dacca.

Srijut ASHUTOSH MULLICK: Mr. Speaker, Sir, আমি Calcutta Municipal Amendment Bill এর জনমত গ্রহণ করার প্রস্তাব সমর্থন করি। এই প্রসঙ্গে আমি কয়েকটী কথা বোল্‌তে চাই,—এই সংশোধন বিলটী পোড়লে মনে হয়, —ইহা যেন ব্যক্তিস্বাতন্ত্র্যের এই যুগে মহাভারতের মহাবীর সব্যসাচী-সুত ষোড়শবর্ষীয় বালক অভিমন্যুর সপ্তরথীর চক্রান্তে অকালমৃত্যু উপাখ্যানের দ্বিতীয় সংস্করণ। (MAULVI ABDUL WAHEB KHAN : মহাভারত এখন অশুদ্ধ হোয়ে গেছে।) বঙ্গমাতার কৃতী সন্তানগণের বহু গবেষণার ফলে যার আবির্ভাব হোয়েছিলো, তারই তিরোভাব উৎসবের জন্য বাংলার দশ দিকপাল দশজন মন্ত্রী এই চক্রব্যূহ রচনা কোরেই ক্ষান্ত হন নি, তাকে একেবারে দশচক্রে ভূত বানিয়ে ছেড়েছেন।

বর্ত্তমান বাংলা গভর্ণমেণ্টের সাম্প্রদায়িকতার বীজাণু একটা সংক্রামক ব্যাধির ন্যায় আজ এদেশের সর্ব্বত্র ছড়িয়ে পোড়ছে। মাননীয় মন্ত্রী মহাশয়ের প্রবর্ত্তিত এই বিলের স্বরূপটী দেখে মনে হয়—চালুনী যেন ছুঁচের পিছন্‌কার ছিদ্রটীর জন্য তার প্রতি দোষারোপ কোর্‌ছে। বর্ত্তমান গভর্ণমেণ্ট যেন ব্যক্তিস্বাতন্ত্র্যতরুর শাখায় উপবেশন করিয়া তাহারই মূলে কুঠারাঘাত করিতেছেন। বিলটী আদ্যন্ত পাঠ করিয়া কোথাও বর্ত্তমান কালোপযোগী কোনপ্রকার সংস্কার বা সংশোধনের বিধান দেখা যায় না। পরতন্ত্র, স্বার্থপর, দাসমনোভাবাপন্ন গভর্ণমেণ্ট স্বীয় অলীক কল্পনাপ্রসূত অবাঞ্ছিতের শ্যেনদৃষ্টি এড়াইবার জন্যই যেন এই বিলের বস্ত্রাঞ্চলের অন্তরালে গাত্রাবরণ করার প্রয়াস পাইতেছেন। এই বিলের জন্মপত্রিকা হইতে দেখা যায় যে, জাতক অপরিণামদর্শী এবং স্বল্পায়ু। অতএব সে দশজনের আশীর্ব্বাদে সুকৃতিসম্পন্ন হইয়া যাহাতে দূরদর্শিতা ও দীর্ঘায়ু লাভ করিয়া পুনর্জন্ম লাভ করে, সেইজন্য জনসাধারণের নিকট তাহার সর্ব্বাগ্রে যাওয়াই সমীচীন।

এই বিলের হাবভাব বাংলার কোন নবাববংশসুলভ আত্মমর্য্যাদাসম্পন্ন কুলতিলকের ন্যায় নহে। ইহা যেন কোন ধনীর কুলাঙ্গার বালকপুত্রের ন্যায়। এই বিলের বোধ হয় জনসাধারণের সম্মুখীন হইবার মত সৎসাহস নাই, সেইজন্যই ইহা সর্ব্বসাধারণের অজ্ঞাতসারে এই পরিষদগৃহে চুপি চুপি অনধিকার প্রবেশ করিয়াছে।

বর্ত্তমান বিলটী যে সহজাত সর্ব্বাঙ্গসৌষ্ঠবসম্পন্ন হইয়া জন্মগ্রহণ করে নাই সে কথা বলাই বাহুল্য। উহা বিলটীর জনক পিতা স্বয়ং মাননীয় মন্ত্রী মহাশয় কর্ত্তৃক Select Committee-তে অঙ্গব্যবচ্ছেদের জন্য প্রেরণের প্রস্তাব হইতেই অনুমিত হইতেছে। এক্ষণে আমি এই বিকলাঙ্গ বিলটীর অঙ্গপ্রত্যঙ্গের সম্যক্ সমালোচনা করিয়া বিলটীর মাতা-পিতা বা তাহার আত্মীয়স্বজনের বিষচক্ষে পড়িতে চাই না এবং আমি তাহা অপ্রাসঙ্গিক না হইলেও আপাততঃ অবান্তর মনে করি। তাই আমি এই বিলটী জনসাধারণের সমক্ষে পাঠাইয়া দেওয়ার প্রস্তাব সমর্থন করি এবং এই প্রস্তাব পরিষদের পক্ষাপক্ষ নির্ব্বিশেষে সকলেরই সমর্থন করা উচিত।

উক্ত কারণ প্রদর্শনপ্রসঙ্গে আমি আরও কয়েকটী কথা বলিতে চাই। Mr. Speaker, Sir, প্রাদেশিক স্বায়ত্তশাসনের বন্যা ডাকিল; ফলে বঙ্গবাসীর যোগনিদ্রা ভঙ্গ হইল। পরিষদের সভ্যবৃন্দ নির্ব্বাচন-পরীক্ষায় উত্তীর্ণ হইয়া শুদ্ধ, পরিশুদ্ধভাবে বিশুদ্ধান্তঃকরণে দলে দলে পরিষদ্-পারাবারের মহাতীর্থে সম্মিলিত হইল। সমাগত সভ্যদের মধ্যে যাঁহারা সাঙ্গোপাঙ্গ লইয়া ডালভাত-এর পৃথক্ সত্তা একেবারে লোপ করিয়া খিচুড়ি পাকাইয়া বৃদ্ধকলেবরে সংখ্যাগরিষ্ঠ দল হইলেন, তাঁহারা আসিলেন—ডুবুরীর ন্যায়,—নবদ্বার বন্ধ করিয়া রত্নাকরের শুক্তিমুক্তা প্রভৃতি রত্নরাজি আহরণের অসীম আকাংক্ষা লইয়া। সম্মিলিত বিরাট স্বার্থের প্রচণ্ড বেগ, মুষ্টিমেয় কয়েকজন লোক তর্জ্জনী উত্তোলন করিয়া রোধ করিবেন কিরূপে? বাণিজ্য জাহাজে উনপঞ্চাশ পালে হাওয়া লাগিয়াছে—এখন ক্ষণকালের জন্য থামিবে কে? সমুদ্রের বিচরণশীল মকর, কুম্ভীর তিমিসমাকুলের বিপুল মুখব্যাদান তাঁহাদের দৃষ্টিগোচর হয় না। পরিষদ্‌গৃহে জননায়ক সভ্যবিশেষের তীব্র সমালোচনায় বিক্ষুব্ধ কলেবর অথবা বাহিরের জনকোলাহল শ্রবণ কিংবা ন্যায়-অন্যায় বিচারের ইঁহাদের না আছে অবকাশ, না আছে প্রবৃত্তি। ইঁহারা স্বার্থান্ধ অন্তর্যামী। প্রশ্ন না করিয়াই ইঁহারা বঙ্গমাতার কলিকাতা-নগরবাসীর নাড়ীজ্ঞান লাভ করিয়াছেন। তাই তাঁহারা জনমত গ্রহণের প্রস্তাব নিষ্প্রয়োজন মনে করেন। ইঁহাদের দলের কয়েকজন সাগরপারের গুটিকয়েক লোকের সহায়তায়, পারের কাণ্ডারী সাজিয়া সংখ্যাগরিষ্ঠ সম্প্রদায়ের ভাড়াটিয়া নৌকার হাল ধরিয়া বসিলেন। পণ্যদ্রব্যের গুরুভারে যাঁহাদের নৌকাডুবি হইয়া গিয়াছে তাঁহারা হাবুডুবু খাইয়া হাল ছাড়িয়া দিলেন। তীরে উঠিয়া বাহিরের ডাক শুনিয়া সাড়া দিতেছেন, কাজেই তাঁহারা জনমত গ্রহণ করার প্রস্তাব অবশ্যই সমর্থন করিবেন। আর এক সম্প্রদায় আসিলেন। ইঁহারা তপঃশীল বা তপস্যাশীল তপঃক্লিষ্ট, যথালাভে সন্তুষ্ট তফ্‌শীল সম্প্রদায়,—ইঁহারা পুণ্য প্যাক্টে পূর্ণাহুতি দিয়া পরিপূর্ণ সিদ্ধিলাভ করিয়াছেন। ইঁহারা তটস্থ,—আদার ব্যাপারী, জাহাজের খবর রাখেন না। ইঁহাদের স্থান জলে নহে বা স্থলে নহে, ইঁহারা ঢেউয়ের প্রতীক্ষায় দাঁড়াইয়া থাকেন এবং প্রলয়কালে প্লাবনের সময় রত্নাকরের পরিত্যক্ত চাকচিক্যময় ক্ষুদ্র ক্ষুদ্র শঙ্খ, ঝিনুক প্রভৃতি সংগ্রহ করেন। কেহ

বা সুযোগ পাইলে লাফ দিয়া সাগর পার হন এবং কালনেমির লঙ্কাভাগে যোগ দিতে গিয়া লঙ্কাকাণ্ড করিয়া বসেন। ইঁহারা সময়বিশেষে বাহিরের ডাকে সাড়া দেন; সেইজন্য আমি আশা করিতে পারি, ইঁহারা এই প্রস্তাব সমর্থন করিবেন।

আর এক সম্প্রদায় আবির্ভূত হইলেন। ইঁহারা সাগরপারের বঙ্গ-লোহিতাঙ্গ সম্প্রদায়। ইঁহারা সাম্যবাদী, আদর্শবাদী এবং জাতীয়তাবাদী। জানি না কোন্ অজানা আকর্ষণে আকৃষ্ট হইয়া, মাধ্যাকর্ষণ নিয়মের আবিষ্কারক তাঁহাদেরই কোন পূর্ব্বপুরুষ সার্ আইজাক নিউটনের নাম সমুদ্রের অতলতলে ডুবাইয়া তাঁহাদের prestige বজায় রাখিতেছেন—যিনি সর্ব্বজ্ঞ হইয়াও জ্ঞানের গরিমা তুচ্ছ করিয়া জ্ঞানশিখরের সর্ব্বোচ্চ চূড়ায় দাঁড়াইয়াও উদাত্তকণ্ঠে ঘোষণা করিয়াছিলেন, "I am picking up the pebbles on the sea-shore and the vast ocean of truth lies unexplored before me ?" জানি না ব্যক্তি-স্বাতন্ত্র্যবাদী ইংরাজজাতি কোন্ মিথ্যা মোহের বশে দীনতা-হীনতার কালিমা মুখে মাখিয়া এবং বাংলার জনসাধারণের বর্ত্তমান বিলবিষয়ক মতামত ব্যাপারে সম্পূর্ণ অনভিজ্ঞ, জ্ঞানাভিমানী, তথাকথিত সর্ব্বজ্ঞ সংখ্যাগরিষ্ঠ Coalition Partyর সহিত সুরে সুর মিলাইয়া they are becoming untrue to their national prestige, which they hold most precious in their national life.

এই পরিষদে আর এক সম্প্রদায় আছেন যাঁহারা দলপতির যূথভ্রষ্টাবশিষ্ট সংরক্ষণশীল সম্প্রদায়, বাংলার সুবিখ্যাত গায়ক নীলকণ্ঠের ভাঙ্গাদলের মত ছিন্নবিচ্ছিন্ন। ইঁহাদের সুর বড়দলের বেসুরা স্বরে সুর মিলাইয়া বাজে না। তথাপি কোন কোন সময়ে তাঁহারা সংখ্যাগরিষ্ঠ দলের সহিত আত্মীয়তানিবন্ধন তাঁহাদের পণ্যজাহাজে সাময়িক যাত্রী হিসাবে স্থান সংকুলান করিয়া লন বটে, কিন্তু পণ্যদ্রব্যের অংশগ্রহণে তাঁহারা বঞ্চিতই থাকেন। ইঁহারা আশ্রিতের বন্ধু এবং দরিদ্র, নিঃসম্বল, পারের কড়িশূন্য জনগণের মর্ম্মব্যথায় সমবেদনা প্রকাশ করেন। ইঁহারা হৃদয়বান্। ইঁহাদের জনমতশ্রবণের যথেষ্ট অবসর আছে। আমরা তাঁহাদের উপর ভরসা রাখি। আশা করি তাঁহারা বর্ত্তমান এই জনমত গ্রহণ করার প্রস্তাব সমর্থন করিয়া মহানুভবতার পরিচয় দিবেন।

পরিশেষে আমাদের কথা। আমরা সেই সাগরকূলে বিরলে বসিয়া বিনয়ের মণি নিউটনের ন্যায় উপলখণ্ড সংগ্রহ করিতেছি না। আমরা নিঃসম্বল পারের যাত্রীদের কাতর আহ্বান শুনিতেছি—কাজেই আমাদের জনমত উপেক্ষা করিবার উপায় নাই। আমরা সেই ডাক কর্ণধারগণের কর্ণকুহরে পৌঁছাইয়া দেওয়ার চেষ্টা করিতেছি। আর আমাদের কাজ ঢেউ গণনা করা, গণনা করিতে অক্ষম হইয়াও কর্ত্তব্যের কৈফিয়ৎ দিতেছি, গণনায় লাভ নাই জানিয়াও কঠোর কর্ত্তব্য পালন করিতেছি। হে কর্ণধারগণ, আমাদের কথায় বিশ্বাস করিতে তথাপি যদি prestige হানি হয়, তবে আমাদের কথা শুনিয়া কাজ নাই। বারেক জনসাধারণকে জিজ্ঞাসা করিয়া দেখিতে বলি। ন্যায়পরায়ণতার prestige, সকল prestigeএর চেয়ে বড়। তাহার কাছে মানুষের মন স্বেচ্ছাপূর্ব্বক মাথা নত করে। বিভীষিকা মানুষকে ঘাড়ে ধরিয়া নোওয়াইয়া দেয়—সেই প্রণতি-অবমাননার বিরুদ্ধে মানুষ ভিতরে ভিতরে বিদ্রোহ না করিয়া থাকিতে পারে না।

সর্ব্বশেষে আমার শেষ বক্তব্য এই যে, আমরা বাহিরের কোলাহল শুনিতে পাই, কিন্তু মাননীয় মন্ত্রী মহাশয় তাহা শুনিতে পান নাই কেন? তার কারণ, তিনি পূর্ব্বোক্ত পণ্যদ্রব্য ক্রয়-বিক্রয়ের হট্টগোলের মধ্যস্থলে সদাসর্ব্বদা অবস্থান করায় বধির হইয়া পড়িয়াছেন। তিনি এই গণ্ডগোল হইতে দূরে নীরব নির্জ্জন স্থলে দাঁড়াইলে দেখিবেন সব গোলযোগ মিটিয়া গিয়াছে এবং তিনি পূর্ব্বের ন্যায় বঙ্গবাসীর কলরোল, ক্ষুধিতের আর্ত্তনাদ ও পরবানের ক্রন্দন শুনিতে পাইবেন।

Mr. JOGENDRA NATH MANDAL: Mr. Speaker, Sir, by the speech delivered by Mr. Pulin Behary Mullick I have been compelled to make a disclosure of one incident here and now. Had the catalogue of interferences in the working of the Corporation of Calcutta come from a different mouth, I would not have uttered a single word by means of protest. But this catalogue of interferences has come from a man who can properly be called guilty of graver charges and misdeeds. Due to his occupation of a better position in the eyes of some, being a brother of one of the Ministers of Bengal, he has influenced all the departments concerned in securing a change in the name of a particular road in his ward after the name of his late brother Mr. Nirod Behary Mullick. He had so much influenced the department concerned that most irregular and illegal actions were done, and the reason is that the extension of service of the Chief Executive Officer was pending before the Government for approval. That is why the Chief Executive Officer was helpless to vindicate the right cause, and that is also why he was influenced to yield to the undue demand and influence of Mr. Mullick. I do not like to say more on this point.

Sir, in supporting the motion for circulation I would like to remind the House at the very outset of the tremendous opposition and country-wide resentment evoked by the passage of the Calcutta Municipal (Amendment) Bill of 1939. As it introduced the principle of communal electorate in the civic administration of the first city of the East it was condemned by a large section of the rate-payers of Calcutta as a black measure. Closely upon the heels of this measure there is, on the legislative anvil to-day, another Bill which goes far beyond its predecessors in severity. I must here and now protest agaist the unwarranted encroachment upon the democratic rights of the Calcutta Corporation and the attempt at cutting across the very foundations of our national existence.

Sir, the Statement of Objects and Reasons for sponsoring the Bill speaks for itself. It carries no conviction with anybody. It simply breathes a spirit of unseemly communal rancour and determination of the party in power to crush the civic liberty of the people. The tendency towards progressive officialisation of all public bodies and institutions is a menace which we propose to combat to our last

breath. The tyranny of the majority had never been so real, The capricious spleen of an artificial majority bolstered up by licensed lackeys of an alien imperialism is, to-day, to the calamity of the whole nation, undermining the basic structure of self-government in this province. The increasing fascination of the Calcutta Corporation comes with ill-grace from many of the supporters of the Government who profess to fight elsewhere on democratic principles. There are people who would conduct a war on republican principle, trample down the liberties of the people on autocratic principle, support a reactionary Government on legal and constitutional principle and give a go-bye to all principles when their vested interests are at stake.

Coming to the specific provisions of the Bill I find that they are not worth the paper on which they are written. The Calcutta Corporation is functioning for the last sixteen years and on no single occasion did the Government find any occasion to interfere in the civic affairs although they were specifically empowered to do so, in case of maladministration, by the Calcutta Municipal Act of 1923 and subsequent amendment thereto——

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Where is the Hon'ble Minister in charge of the Bill?

Mr. SPEAKER: I do not know, but there is some Hon'ble Minister here.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, he has not been in good health, so he is not in the Chamber,

Mr. JOGENDRA NATH MANDAL:... ... ... This fact alone constitutes a striking testimony to the efficiency of that body. The irresistible conclusion is that the Calcutta Corporation is running its administration to the satisfaction not only of the people but also of the authorities. As a logical corollary, it is this fact again, which constitutes the gravest indictments of the present Ministry trying to upset the stable equilibrium in the interest of a caucus.

The appointment of the Chief Executive Officer by the Government above the head of the rate-payers and their accredited representatives, virtually making him irremovable, is a measure which will be blessed by none, inasmuch as the said nominee of the Government will be vested with unlimited power to lord it over the people, whose servant, in law and equity, he ought to be. There is absolutely no reason to believe that a member of a steel frame or what is worse, its Provincial variant would efficiently administer the city with his bureaucratic mind and temperament, utterly unused to grapple with the problems of

civic and public life. We know too well their uneviable record in districts and subdivisions. The interests and the welfare of more than a million of rate-payers are to be trusted to the tender mercy of a full-blooded bureaucrat, placed, for all practical purposes, above all the representatives of the people.

In the second place setting up of a Statutory Service Commission depriving the Corporation of the right to appoint its own officers is a colossal joke—a joke to which the House should have been treated on an All Fool's Day. It is a supreme tragedy that the Chairman of such a Commission should again be a Government officer having to his credit a good record of riding roughshod over the public opinion for at least ten years, because it is these people and these people alone who would be marked out for further reward and advancement by the Imperialist Government and their trusted henchmen. It is not the substance of power, not the shell but only the husk which will be left to the rate-payers, and the outsiders alone will have the power to play ducks and drakes with the rate-payers' money. I can assure the House that no self-respecting person will be found willing to serve the Corporation as Councillor and Alderman if the Bill is passed. It will be a jubilee for loyalists, flunkeys and the docile tools of the Government. It will be a procession of phantoms. The real man will bid his everlasting farewell to a Corporation, once rich with the tradition of Sir Surendra Nath Banerjee responsible for the Calcutta Municipal Act of 1923 and of Deshbandhu Das of hallowed memory, the first Mayor of the first City of the East. Sheep will be strutting in hero's garb and will make a merry band with the imperialists.

Then, Sir, the supersession of the departments of the Corporation on grounds which the Ministers alone will decide is the very negation of self-government, and reminds us of the suspending and dispensing power of the Crown in England in the days of James II. Ministers are trying to put the clock of progress back but historical forces are more powerful than the Chief Ministers and the titled landlords. The dissolution of the body of Councillors and Aldermen is another pernicious provision of the Bill which cannot be too highly condemned. The autonomy of the Corporation will be reduced to a farce. The rate-payers will have nothing to hope and nothing to expect from a body so emasculated.

There are, Sir, very many sweeping and reckless charges made against the Corporation. The member-in-charge of the Bill has not thought fit to specify them which undoubtedly shows the weakness of his case. When all is said and done it must be confessed that the Calcutta Corporation has acquitted itself well and justified its existence. After all, no human institutions, even the present Bengal Government or no human being except our Chief Minister is perfect.

With all its faults the Calcutta Corporation has made a phenomenal progress in the sphere of free Primary Education, health and sanitation of the City, maternity and children welfare works, baby clinics, milk kitchens, contribution to technical and educational institutions, free libraries and a host of other social service works. I will invite the attention of the House to the Report of the Special Committee of the Calcutta Corporation in this regard, and if the Government will be able successfully to challenge the said report, I, for one, would waive my opposition to the Bill.

Finally, I must add that the Bill before the House is inopportune and ill-timed. When the sky is rent by the death agony of nations, when the throbbing of war drums fills the air, when the battle flags are unfurled by mighty belligerents, I would appeal to the Hon'ble Minister in charge of the Bill, in the interest of decency, to defer the consideration of the Bill without making an unedifying scramble for loaves and fishes on the dead bodies of our common human fraternity.

With these few words, Sir, I support the amendment moved by my friend Mr. Banarji.

Adjournment.

It being 8 p.m.—

The House was adjourned till 4-45 p.m. on Thursday, the 5th September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 5th September, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 213 members.

STARRED QUESTIONS

(to which oral answers were given)

Extension of service granted to Indian Medical Service and Bengal Medical Service officers.

*242. **Babu KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether any officer of the Indian Medical Service or Bengal Medical Service has received extension of service after the usual period of service is over; and

(*ii*) whether any officer working in an honorary capacity in any of the (*i*) visiting posts and (*ii*) junior visiting posts of the—

(1) Medical College Hospitals,

(2) Sambhunath Pandit Hospital,

(3) Howrah General Hospital, and

(4) Campbell Hospitals,

has received extension after the usual tenure is over?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state on what grounds such extensions were given?

(*c*) Will the Hon'ble Minister be pleased to state whether extension of service after 55 years of age is against the principle of Government?

(*d*) Is it a fact that the decision of extension of service of an officer is made after the post is advertised?

MINISTER in charge of PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) Indian Medical Service nil and Bengal Medical Service one.

(*ii*) Yes. Such extension is usual under the rules governing these appointments. The question does not, however, arise in respect of the Howrah General Hospital which is not a State hospital.

(*b*) In the interest of the public service.

(*c*) Yes.

(*d*) Not always.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state the special reasons for giving extension to one Bengal Medical Service man?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Provision of girls' schools by District School Board of Faridpur.

***243. Maulvi AHMED ALI MRIDHA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the District School Board of Faridpur have not made any provision for girls' schools and maktabs in their programme;

(*ii*) that co-education for boys and girls in the same school does not find favour with any section of the people especially the Muslims; and

(*iii*) that by manners and customs of the societies the girls cannot undertake any journey beyond the limits of the *para* they live in?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take for making provision for education of the girls?

MINISTER in charge of the EDUCATION DERARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) An amount of Rs. 15,081 has been provided in the budget of the District School Board for 1940-41 for grants-in-aid, stipends, etc., to girls' schools.

(*ii*) and (*iii*) Yes.

(*b*) The cost of establishing separate schools for boys and girls is for the present beyond the power of the District School Board to meet. The Board is therefore acting upon the instructions laid down in rule 3 (*c*), of the Rules published in Notification No. 708 Edn., dated the 27th March, 1940, a copy of which is placed on the table.

Copy of Notification referred to in the reply to clause (b) of starred question No. 243.

NOTIFICATION.

No. 708Edn.—27th March 1940.—In exercise of the powers conferred by clauses (*n*) and (*o*) of sub-section (2) of section 66 of the Bengal (Rural) Primary Education Act, 1930 (Bengal Act VII of 1930), the Governor is pleased to make the following rules:—

Rules under clauses (n) and (o) of sub-section (2) of section 66 of the Bengal (Rural) Primary Education Act, 1930, providing for the manner of preparing schemes for the extension of primary education under clause (c) of sub-section (1) of section 23 of the said Act and the manner of opening additional primary schools and of the expansion of existing primary schools referred to in clause (d) of sub-section (1) of the said section 23.

1. (*1*) The Board shall make a survey of the location and standard of the existing primary schools and shall frame a scheme of suitably located and properly distributed primary schools within the area under the authority of each union board, union committee or panchayat based upon such survey.

(*2*) For the purpose of sub-rule (*1*) a preliminary survey should be carried out by the local educational inspecting officers and such officers shall also be members of any regional committees which may be set up by the Board for the purpose of reporting for the information of the Board upon such preliminary survey.

2. In preparing schemes for the extension of primary education under rule 1 the Board shall see that the primary schools maintained by it are distributed in such a way that subject to local adjustments and special considerations, particularly in areas with special geographical features, each primary school maintained by the Board may serve an area of 3·14 square miles (a circle of one mile radius) or alternatively, a population of 2,000 persons.

3. In preparing such schemes, regard shall be had to the following:—

(*a*) Every primary school maintained by the Board shall be open to both boys and girls of school age.

Explanation.—For the purpose of this clause the following shall ordinarily be the school age, namely:—

Ages 6 to 7 years	...	Class I.
Ages 7 to 8 ,,	...	Class II.
Ages 8 to 9 ,,	...	Class III.
Ages 9 to 10 ,,	...	Class IV.

(*b*) Girls above class II or above eight years of age shall not be compelled to attend classes with boys.

(*c*) If for financial reasons separate girls' primary schools cannot be provided, girls may be compelled to attend primary schools under the following or such other suitable arrangements, which may be prescribed by the Director of Public Instruction:—

(*i*) Boys and girls of classes I and II to attend co-educational classes from 10-30 a.m. to 1 p.m. and to be dismissed at 1 p.m.

(*ii*) In classes III and IV boys to attend one day in the morning (10-30 a.m. to 1 p.m.) and on the next day in the afternoon (1-30 p.m. to 4-30 p.m.) and girls *vice versa*; thus, if boys attend in the mornings of Monday, Wednesday and Friday and in the afternoons of Tuesday, Thursday and Saturday in a week, girls will attend in the afternoons of Monday, Wednesday and Friday and in the mornings of the other days.

4. The Board may under special circumstances take into consideration the primary schools maintained by the union board under the control of the Board or those under private management recognised under section 54 of the Act, in preparing or giving effect to a scheme for the extension of primary education under clause (*c*) or clause (*d*) of sub-section (*1*) of section 23 of the Act.

5. Every proposal relating to the distribution, establishment, transfer or abolition of primary schools by the Board shall have the opinion of the District Inspector of Schools recorded thereon in writing before it is finally adopted by the Board.

6. The union board, the union committees or the panchayat, as the case may be, shall be consulted by a Board regarding the site and location of primary schools within their respective areas, before preparing or giving effect to a scheme under clause (*c*) or clause (*d*) of sub-section (*1*) of section 23 of the Act.

By order of the Governor,

H. GRAHAM,

Secretary to the Government of Bengal.

No. 708(5)/1Edn.

Copy forwarded to the Commissioner of the Presidency/Burdwan/Rajshahi/Dacca/Chittagong Division, for information, and communication to the Presidents of the District School Boards.

No. 708(2)/2Edn.

Copy, with a copy of the above endorsement, forwarded to the (1) Director of Public Instruction, Bengal, and (2) Public Health and Local Self-Government Department of this Government for information

M. U. SARKAR,

Assistant Secretary to the Government of Bengal.

Calcutta, the 27th March 1940.

Mr. SURENDRA NATH BISWAS: With reference to answer (*a*) (*i*), will the Hon'ble Minister be pleased to state whether the amount of Rs. 15,081 has been distributed?

The Hon'ble Mr. A. K. FAZLUL HUQ: I could not say that. That is a matter for the District School Board; I have no information.

Maulvi AHMED ALI MRIDHA: Taking it for granted that girls' education requires expansion at the present moment, will the Hon'ble Minister be pleased to state if the procedure adopted will not hamper the education of the girls?

Mr. SPEAKER: That is a question of opinion.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Reservation of posts for women in the coming rural health reorganisation scheme.

120. Miss P. B. BELL-HART: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state, in connection with the rural health reorganisation scheme which has recently been notified, how many of the—

(*i*) 2,500 posts of medical officers of health;

(*ii*) 84 assistant medical health officers; and

(*iii*) 5,000 health assistants,

have been reserved for women?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what are the reasons for the exclusion of women?

(*c*) Will the Hon'ble Minister be pleased to state whether the work of the 2,500 *dais* will be supervised by male or women doctors?

(*d*) If the supervision work is to be done by male doctors, will the Hon'ble Minister be pleased to state the reasons therefor?

(*e*) Will the Hon'ble Minister be pleased to state whether the *dais* will be trained by male or women doctors?

(*f*) If they are to be trained by male doctors, will the Hon'ble Minister be pleased to state the reason thereof?

(*g*) Will the Hon'ble Minister be pleased to state—

(*i*) when the rural health reorganisation scheme is likely to be put into operation; and

(*ii*) what are the likely centres where it will first be introduced?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) and (*b*) A partial scheme for reorganisation of rural public health services is under the consideration of Government. If this scheme is finally approved, some assistant medical officers of health and a large number of rural medical health officers and health assistants are likely to be employed. No reservation has been made for women. Very few, if any, qualified medical women health assistants are at present likely to be available and unless the scheme is approved and initiated, it cannot be said for certain whether women workers would be useful. The existing conditions in the rural areas do not also appear to be suitable. In any case, the matter will be borne in mind and considered at the time the scheme is initiated.

(*c*) and (*d*) It is proposed to employ part-time *dais* who will be under the supervision of the rural medical officers who would be males. In any case, medical women doctors are not at all likely to be available for such work of supervision.

(*e*) and (*f*) *Dais* are at present trained by the local bodies with grants from Government. Generally the training is imparted by male doctors as women doctors are not available.

(*g*) (*i*) I would refer the honourable member to the reply to (*a*). No final decision has yet been made.

(*ii*) As at present contemplated, the scheme will be introduced in the following seven subdivisions in the seven districts—

(1) Manikganj subdivision in the Dacca district.

(2) Goalundo subdivision in the Faridpur district.

(3) Kandi subdivision in the Murshidabad district.

(4) Sadar subdivision in the Rangpur district.

(5) Sadar subdivision in the Bakarganj district.

(6) Sadar subdivision in the Jessore district.

(7) Sadar subdivision in the Mymensingh district.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether he has got a list of qualified female doctors?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware if there is such a list.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if all the qualified female doctors are provided with appointments either by Government, or district board or local board?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As I have said, I am not aware. So far as I have been able to gather, there are too few qualified female doctors.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state why he says that no female doctor is available for the purpose mentioned by him?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is my information

Mr. RASIK LAL BISWAS: মাননীয় মন্ত্রী মহোদয় কি দয়া কোরে বোলবেন এই যে সাতটা ডিষ্ট্রিক্টের ৭টা সাব-ডিভিসনে স্কীম প্রবর্ত্তন কারবার জন্য তাঁরা যে ইচ্ছা কোরেছেন সে সম্বন্ধে ডিষ্ট্রিক্ট বোর্ড কি কোন মতামত প্রকাশ কোরেছেন ?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes; certainly.

Mr. RASIK LAL BISWAS: সে সম্বন্ধে তাঁরা কি মতামত প্রকাশ কোরেছেন ?

Mr. SPEAKER: That question does not arise.

Communal ratio of clerks in several Government offices at Jalpaiguri.

121. Babu UPENDRA NATH BARMAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing since April, 1937, up to June, 1940, with regard to Jalpaiguri—

(*i*) the number of (1) permanent, and (2) temporary clerks appointed in the office of—

(1) Deputy Commissioner,

(2) Khas Mahal, and

(3) Circle Officers;

(*ii*) the number of them that are—

(1) Caste Hindus,

(2) Scheduled Castes,

(3) Muslims, and

(4) of other communities;

(*iii*) (1) the name, (2) caste, (3) native district, and (4) qualification of each clerk appointed during the period; and

(*iv*) (1) the date of appointment, (2) the successive periods of service, and (3) the date of discharge of each temporarily appointed clerk?

(*b*) Will the Hon'ble Minister be pleased to state whether the question of communal ratio since its introduction has been considered and maintained at the time of appointment?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Three statements A, B and C furnishing the information in respect of the office of the Deputy Commissioner, Jalpaiguri, including Khas Mahal office and office of Circle Officers are laid on the table.

(*b*) Yes.

(*c*) Does not arise.

Statement "A" referred to in the reply to clause (a) of unstarred question No. 121, showing the number and caste of permanent and temporary clerks appointed in the office of the Deputy Commissioner, Jalpaiguri, from 1st April, 1937, to 30th June, 1940.

Name of office.	Number of clerks appointed.		Caste Hindus.		Scheduled Castes.		Muslims.		Other communities.	
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.
) Deputy Commissioner's office, Jalpaiguri, including Khas Mahal.	12	21	5	6	2	6	4	9	1	..
') Circle Officers, Jalpaiguri.	..	..	.	..	..	..	..	..	..	..

N. B.—Out of 12 permanent appointments, 10 were made before the introduction of the Communal Ratio Rules. Out of 21 temporary appointments, 18 were made before the introduction of the said rules.

Statement "B" referred to in the reply to clause (a) of unstarred question No. 121, showing the names, qualifications and native district of permanent and temporary clerks appointed from the 1st April, 1937, to the 30th June, 1940.

	Name.	Caste.	Native district.	Qualifications.
	Permanent clerks.			
1.	Syed Abdus Salek	Muslim	Domiciled at Jalpaiguri.	B. A.
2.	Hemanta Kumar Sarkar	Minority community.	Jalpaiguri	Matriculate.
3.	Bhupendra N. Bhattacharji	Hindu	Nadia	Do.
4.	Pran Gopal Joardar	Scheduled Castes.	Do.	Do.
5.	Paresh Ch. Chakravarty	Hindu	Pabna	B.A.
6.	Azizur Rahman	Muslim	Noakhali	Matriculate.
7.	Mozammal Haque	Do.	Jalpaiguri	Do.
8.	Gurudas Mukherjee	Hindu	Domiciled at Jalpaiguri.	Do.
9.	Pranendra Nath Das	Do.	Dacca	Do.
10.	Mahendra Kumar Nag	Do.	Do.	Do.
11.	Azizur Rahman (II)	Muslim	Jalpaiguri	Do.
12.	Karuna Kanta Barma	Scheduled Castes.	Do.	Do.
	Temporary clerks.			
1.	Paresh Ch. Chakravarty	Hindu	Pabna	B.A.
2.	Bhabendra Nath Das	Scheduled Castes.	Jalpaiguri	Matriculate.
3.	Azizur Rahman (II)	Muslim	Do.	Do.
4.	Gurudas Mukherjee	Hindu	Do.	Do.
5.	Karuna Kanta Barma	Scheduled Castes.	Do.	Do.
6.	Mahendra Kumar Nag	Hindu	Dacca	Do.
7.	Rahamat Ali	Muslim	Jalpaiguri	Do.
8.	Azizur Rahman (II)	Do.	Do.	Do.
9.	Mahendra Nath Das	Scheduled Castes.	Do.	Do.
10.	Nurul Huda	Muslim	Do.	Do.
11.	Santosh K. Ghose	Hindu	Do.	Do.
12.	Nitya Nanda Biswas	Scheduled Castes.	Nadia	Do.
13.	Azizur Rahman	Muslim	Noakhali	Do.
14.	Puspendra Dev Kumar	Scheduled Castes.	Jalpaiguri	Do.
15.	Anwar Khetab	Muslim	Do.	Do.
16.	Md. Kasem Mia	Do.	Do.	Do.
17.	Md. Junaid Ali	Do.	Do.	Do.
18.	Madhab Ch. Barman	Scheduled Castes.	Do.	Do.
19.	Jnan Ranjan Talapatra	Hindu	Do.	Do.
20.	Anwar Khetab	Muslim	Do.	Do.
21.	Santosh K. Ghose	Hindu	Do.	Do.

Statement "C" referred to in the reply to clause (a) of unstarred question No. 121, showing the date of appointment, periods of service and the date of discharge of each temporary clerk appointed in the office of the Deputy Commissioner, Jalpaiguri, from the 1st April, 1937, to the 30th June, 1940.

	Name.	Date of appointment.	Successive service.		Date of discharge.
			From.	To.	
1.	Paresh Ch. Chakravarty ..	1-5-37	1-5-37	30-6-38	30-6-38
2.	Bhabendra Nath Das ..	1-5-37	1-5-37	31-7-37	31-7-37
3.	Azizur Rahman ..	1-5-37	1-5-37	30-9-37	30-9-37
4.	Gurudas Mukherjee ..	10-9-37	31-8-38	10-9-37	31-8-38
5.	Karuna Kanta Barma ..	1-10-37	1-10-37	24-6-39	24-6-39
6.	Mahendra Kumar Nag ..	1-10-37	1-10-37	7-2-39	7-2-39
7.	Rahamat Ali ..	1-10-37	1-10-37	31-5-39	31-5-39
8.	Azizur Rahman, II ..	1-10-37	1-10-37	19-5-39	19-5-39
9.	Mahendra Nath Das ..	13-12-37	13-12-37	31-3-38	31-3-38
10.	Nurul Huda ..	10-12-37	10-12-37	31-3-38	31-3-38
11.	Sontosh Kumar Ghosh ..	11-12-37	11-12-37	13-12-37	13-12-37
12.	Nitya Nanda Biswas ..	11-12-37	11-12-37	31-3-38	31-3-38
13.	Azizur Rahman, I ..	10-12-37	10-12-37	15-3-38	15-3-38
14.	Pushpendra Deb Kumar	3-1-38	3-1-38	31-3-38	31-3-38
15.	Anwar Khetab ..	10-1-38	10-1-38	Still in service.	
16.	Md. Kasem Mia ..	2-2-38	2-2-38	31-3-38	31-3-38
17.	Sontosh Kumar Ghosh ..	4-11-38	4-11-38	Still in service.	
18.	Jnan Ranjan Talapatra ..	27-1-39	27-1-39	31-3-39	31-3-39
19.	Md. Junaid Ali ..	16-12-39	16-12-39	31-3-39	31-3-39
20.	Madhab Chandra Barman	16-12-39	16-12-39	31-3-39	31-3-39
21.	Mahammad Kasem Mia .	27-1-40	27-1-40	Still in service.	

Preparation of preliminary voters' list for Rangpur District Board election.

122. Kazi EMDADUL HAQUE: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether any preliminary voters' list for the ensuing Rangpur District Board election has been prepared?

(*b*) With reference to the reply given to clause (*b*) (*vii*) of unstarred question No. 24 on the 12th December, 1939, will the Hon'ble Minister be pleased to state whether the names of voters of the Bhogdanga Union in Kurigram police-station, have been incorporated therein?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether the names of the voters of the Bhogdanga Union will be incorporated before final publication?

(*d*) Will the Hon'ble Minister be pleased to state when the final list for the ensuing Rangpur District Board election is likely to be published?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The preliminary Electoral Rolls are under preparation.

(*b*) and (*c*) The names of the voters of the Bhogdanga Union will be included in the Electoral Roll of the Kurigram Constituency.

(*d*) The final Electoral Rolls are likely to be published in January, 1941.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state when the election of the Rangpur District Board is likely to take place?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Six months after the electoral rolls are published.

Khan Bahadur MD. ANWARUL AZIM: Will the Hon'ble Minister be pleased to state who bears the cost of preparing the electoral rolls—Government or the district board?

Mr. SPEAKER: This is the first supplementary question of yours; otherwise, that question does not arise. I think you had better put a separate question.

Work done by Special Officer, Scheduled Castes Education.

123. Mr. ADWAITA KUMAR MAJI: Will the Hon'ble Minister in charge of the Education Department be pleased to state what the Scheduled Castes Special Officer, since his appointment, has done in the shape of organising schools and promoting education among the Scheduled Castes in the district of Burdwan?

The Hon'ble Mr. A. K. FAZLUL HUQ: One senior scholarship of Rs.15 per mensem, 3 junior scholarships of Rs.10 per mensem, 12 college stipends at the usual rates and 38 school stipends at Rs.4 per mensem have been awarded to Scheduled Caste students of the Burdwan district.

The Scheduled Castes Special Officer has not as yet done anything by way of organizing schools. So far his business has been to find out what schools can be classified as Scheduled Castes schools and then to get money for them. He has not the time to initiate proposals for the organisation of individual schools. But, if the Scheduled Castes public of the Burdwan district would like him to go to Burdwan and advise them about the organisation of schools he will do so gladly.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what is the salary of the Special Officer?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not remember at the present moment.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what are the functions and duties of this Special Officer?

The Hon'ble Mr. A. K. FAZLUL HUQ: To advise Government regarding the requirements of Scheduled Caste education and to take steps for the advancement of Scheduled Caste education.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if this officer has at all gone to Burdwan?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know if he has been asked to do so.

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister says that if the Scheduled Caste public of Burdwan would like him to go to Burdwan, then this officer would go there.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know if he has been asked or whether he had gone.

Point of Privilege.

Dr. SURESH CHANDRA BANERJEE: On a point of privilege, Sir——

Mr. SURENDRA NATH BISWAS: May I say, Sir, that some questions were held over yesterday as well as some days before? May they not be taken up to-day, Sir?

Mr. SPEAKER: They are all Sir Nazimuddin's questions. Sir Nazimuddin has arrived only to-day, and he does not know the position about them. So I propose that these held-up questions will be taken up to-morrow for his convenience.

Dr. SURESH CHANDRA BANERJEE: May I rise on a point of privilege, Sir? Three members of this House, Messrs. Bankim Chandra Mukherji, Sibnath Banerjee and Narendra Narayan Chakravarty, are at present in detention in jail under the Defence of India Rules. There is nothing in the Government of India Act which prevents them from attending to their duties in this House. Section 69 of the Government of India Act says——

Mr. SPEAKER: Well, I know all about that. You come to your point.

Dr. SURESH CHANDRA BANERJEE: Very well, Sir. Recently a resolution has been passed in the House of Representatives in Burma calling upon the Government to bring to the House a certain member of that House whose name is U Chit Pe who was undergoing nine months' imprisonment, for having committed a rash act causing some injury. If it has been possible for a resolution like that to be passed in that House in Burma calling upon the Government to give him facilities to be present in the House, then I think, Sir, it may be equally possible for this House also, and I think it is incumbent on the Government to do so as there is nothing against it in the Act.

Mr. SPEAKER: You can give notice of a similar resolution here, and I will consider it. It is for the Government and the members of this House, however, to accept or not to accept it. I cannot say anything further.

Dr. SURESH CHANDRA BANERJEE: That is why, Sir, I put my question in the form of a point of privilege. I consider it a matter of privilege that members should have facilities to attend to

their business here and Government also on their part should see that there is nothing that stands in the way of their doing so. I want your ruling on this point, Sir.

Mr. SPEAKER: Well, I will take up this point later on.

Dr. SURESH CHANDRA BANERJEE: There crops up another question, Sir, in this connection, for in the meantime Srijut Narendra Narayan Chakravarty has been absent from the House for well-nigh 60 days and the question will arise of his being granted leave. So this question, too, has to be settled.

Mr. SPEAKER: I think that that question will have to be settled independently of this point of privilege.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1940.

[The debate on the Calcutta Municipal (Amendment) Bill was then resumed.]

Maulvi MD. MOZAMMEL HUQ: মাননীয় সভামুখ্য মহোদয়, গতকল্য আমাদের ঢাকার মাননীয় নবাব বাহাদুর কলিকাতা মিউনিসিপ্যাল্ Second Amendment Bill আমাদের Houseএর সমক্ষে উপস্থিত করিয়াছেন। সে সম্বন্ধে আমাদের বিরুদ্ধ দলভুক্ত লোকদের (Mr. ASIMUDDIN: ভাল কোরে দেখে শুনে বলুন) বহু বক্তৃতা হইয়া গিয়াছে। তার ভিতর কংগ্রেসের আশ্রিত কংগ্রেসের সুশীতল ছায়ায় বর্দ্ধিত আমার বন্ধু ছৈয়দ জালালুদ্দিন হাসেমী সাহেবের বক্তৃতার চোটই একটু বেশী হইয়া গিয়াছিল। (A member of the Congress Party: কারণ তিনি গভর্ণমেণ্টের গলদ সম্বন্ধেই ভালো কোরে বোলছেন কিনা।) তাঁর বক্তৃতাটা শুনিয়া আমার খালি হাসি পাইয়াছিল। (Laughter.) আমার বক্তৃতা শোন্বার আগেই দেখিতেছি আপনারা হাসিতেছেন। (Mr. ABU HOSSAIN SARKAR: আপনাকে দেখ্লেই হাসি আসে।)

হাসেমী সাহেব কাল গভর্ণমেণ্টকে অনেক কিছু গালি দিয়াছেন এবং নানাবিধ দোষের জন্য আক্রমণ করিয়াছেন। কিন্তু আমি এখন এই কথা জিজ্ঞাসা করিতে চাই—কর্পোরেশনে যে সকল অনাচার অবিচার আর অত্যাচার বিদ্যমান রহিয়াছে নিজেদের সেই সকল দোষ ত্রুটি চাপিয়া রাখিয়া এই রকম ভাবে গভর্ণমেণ্টকে গালি দেওয়া তাঁহার পক্ষে কতটা সমিচীন হইয়াছে সেইটাই আমি এখন তাহাকে জিজ্ঞাসা করিতে চাই।

Mr. SYED JALALUDDIN HASHEMY: On a personal explanation Sir. আমার কৈফিয়ৎ হোচ্চে এই যে উনি আমার বক্তৃতা বোঝেন নাই, আমি বোলেছিলাম যে করপোরেশনের অনেক দোষ আছে অনেক কিছু আছে, উনি বোঝেন নাই Sir আমি কি বোলেছি। আমি বোলেছিলাম—

Maulvi MD. MOZAMMEL HUQ: আমি আপনার বক্তৃতা শুনেছি এবং বুঝেছি। আপনার ভাষা বোঝবার মতন জ্ঞান আমার যথেষ্ট আছে। এবং জ্ঞান আছে কিনা সম্প্রতি দেখিতে পাইবেন।

এখন কথা হইতেছে এই যে করপোরেশনের আগের ব্যবস্থানুযায়ী যাঁরা ছিলেন কাউন্সিলার তাঁরা প্রাতঃস্মরণীয় সার সুরেন্দ্রনাথ বানার্জির নাম করিয়া কাঁদিয়া থাকেন আর বলিয়া বেড়ান যে তিনি একটা আইন করিয়া যে অধিকার দেশবাসীকে দিয়া গিয়াছেন, সেটা এই গভর্ণমেণ্ট নষ্ট করিতেছে, এই রকম কথা কংগ্রেসের সবার মুখেই শোনা যাইতেছে। আমরাও বলি যে হাঁ গভর্ণমেণ্ট কিছু কিছু ক্ষমতা আজ নিজ হস্তে লইবার জন্য উদ্যত হইয়াছেন বটে, কিন্তু সেটা কি গভর্ণমেণ্ট খালি খালি লইতে যাইতেছেন? দেশে গভর্ণমেণ্ট সুবিচার করার জন্য এবং শান্তি রক্ষার জন্যই সৃষ্ট হইয়াছে। যদি কোনও প্রতিষ্ঠানে গভর্ণমেণ্ট অনাচার ও অত্যাচার দেখেন, তা হইলেই যে কোন গভর্ণমেণ্টই তার প্রতিকারার্থে step না লইয়া পারেন না। কলিকাতা কর্পোরেশনে ১৯২৩ সন হইতে আরম্ভ করিয়া আজ ১৯৪০ সন পর্য্যন্ত যে সমস্ত অনাচার পুঞ্জিভূত হইতে হইতে পাহাড়ের মতন জমিয়া উঠিয়াছে, সেগুলির সংস্কার করিতে যদি গভর্ণমেণ্ট চেষ্টা করেন, তাহা হইলেই কংগ্রেস দল চিৎকার করিয়া আকাশ পাতাল ফাটাইবে এবং বলিবে "আমাদের অধিকারকে সঙ্কুচিত করা হইতেছে" কংগ্রেস নেতা মিঃ সুভাষ বসু যিনি ভারতের একজন প্রিয় সন্তান—যিনি সমগ্র ভারতের রাষ্ট্রপতি পর্য্যন্ত হইয়াছিলেন, অবশ্য তাঁহাকে কংগ্রেসের দেবতা মহাত্মা গান্ধি রাষ্ট্রপতির পদ থেকে নামাইয়া দিলেও, ভোটের বেলায় তিনি কত বেশী ভোট পাইয়াছিলেন আপনারা সকলেই তাহা জানেন এবং তাহা দ্বারা সমগ্র ভারত তাঁহাকে কত ভালবাসে তাহাও বোঝা যায়,—তিনি কংগ্রেসের তরপ থেকে করপোরেশনের ভিতর ছিলেন। তিনি করপোরেশন সম্পর্কে বলিয়াছেন, এটা "অজিয়ান আস্তাবল" এটাকে ঝাটা দিয়ে ঝাটিয়ে আমি ঠিক করবো। করপোরেশনের সংস্কার জন্য একথা যখন তিনি বলিয়াছিলেন, তখন তথা-কথিত জাতীয়তাবাদী খবরের কাগজগুলি বড় বড় অক্ষরে হেডিং ছাপিয়া তাঁহাকে সমর্থন করিয়াছিল। Fileএ সে সব কাগজ আছে দরকার হইলে আমরা তাহা দেখাইয়া দিতে পারি। যখন তিনি বলিয়াছিলেন যে এটা "অজিয়ান আস্তাবল" এটাকে ঝাটিয়ে শুদ্ধ করবো তখন উক্ত দলের মধ্যে আনন্দের উচ্ছ্বাস বহিয়াছিল। আর যখন সেই অবিচার ও অনাচার ছোট একটা ঝাড়ু দিয়া গভর্ণমেণ্ট পরিষ্কার করিতে চাহিতেছেন এবং উদ্যত হইয়াছেন। তখন চিৎকার আরম্ভ হইল,—"এ গভর্ণমেণ্ট ঘোর সাম্প্রদায়িক এরূপ করা কি ঠিক?" আপনাদের দুরকম ভাব কেন? একই কথা এক মুখে বলিলে আনন্দ ও উল্লাস হয় আবার সেই কথাটাই যদি গভর্ণমেণ্ট বলেন, তাহলে আপনাদের অন্য রকম ভাব দেখা যায়। আপনাদের এব্যবস্থা আমরা চিরকালই দেখিয়া আসিতেছি। একই কথা এক মুখে বাহির হইলে ভাল অন্য মুখে বাহির হইলেই খারাপ। আপনাদের এই দুমুখো নীতি আমরা বরাবরই দেখিতেছি। আমি জিজ্ঞাসা করি করপোরেশনকে সংশোধন করা হইতেছে কেন? উত্তরে বলিব করপোরেশনের কাউন্সিলরগণ যে কত অনাচার, অত্যাচার ও অবিচার করেন, তার কোন লেখা যোখা নাই। আমি জানি, অনেক কাউন্সিলরের

এখানে—এই কলিকাতা নগরীতে বহু বড় বড় নূতন সৌধ নির্ম্মিত হইয়াছে। যাঁরা Building Committeeর মেম্বর ছিলেন, তাদের অনেকেরই বড় বড় বাড়ী হইয়াছে, এবং সে-সব বাড়ী এই কোলকাতার বুকের উপর আজও বিদ্যমান আছে। কাউন্সিলরগণ অনাহারী সত্বেও কলিকাতায় তাদের বড় বড় সৌধ—কি মজার ব্যাপার! আর একটা ব্যবস্থা কি রকম শুনুন,—এর আগে আমাদের কয়েকজন মুসলমান কাউন্সিলরকে কংগ্রেস হাত কোরে নিয়ে কিছুদিন কংগ্রেসের কাজ হাসিল করার পর মুসলমানরা কিছু কিছু সুবিধা চাহিল, অন্য সুবিধা আর কিছু হক আর না হক, তাহারা কিছু কিছু চাকরী বাকরীর সুবিধা চাহিলেন, কিন্তু সে সুবিধা যখন হইল না কংগ্রেসী কাউন্সিলরগণ যখন মুসলমানদিগের ন্যায্য দাবী মানিলেন না, তখন মুসলমানগণ করপোরেশনকে বর্জ্জন করার সিদ্ধান্ত করেন এবং সকল মুসলমান কাউন্সিলরকে করপোরেশন ত্যাগ করিয়া চলিয়া আসিতে বলেন। অনেক মুসলমান কাউন্সিলর করপোরেশনের কাউন্সিলরের পদ ত্যাগ করিয়া আসেন। তখন যারা পদত্যাগ করিয়া বাহির হইয়া আসেন নাই, তাহাদিগকে "গাদ্দার" নাম দেওয়া হইয়াছিল। সেখানে যারা তখনও কংগ্রেসের আশ্রয়ে ছিলো, তারা মুসলমান সমাজের ক্ষতি করিয়াছেন। সেইজন্যই তাহাদিগকে "গাদ্দার" বলা হইয়াছে। মুসলমান ও Scheduled Castesরা খাঁটি জিনিষ চায়। খাঁটি প্রতিনিধি চায়। সেইজন্য কলিকাতা মিউনিসিপ্যাল আইনটী পুনরায় সংশোধন করায়, এবারে খাঁটি মুসলমানরা করপোরেশনে গিয়াছেন। ঐ সব "গাদ্দার" এবার সেখানে যেতে পারে নাই এবং আমার বিশ্বাস, তারা আর জীবনেও যাইতে পারিবে না। আমি বলিতেছি আমাদের গভর্ণমেণ্ট খুব খাঁটি গভর্ণমেণ্ট এবং সব খাঁটি জিনিষের জন্যই আইন করিয়া আসিতেছেন। তাঁরা প্রজাদের মঙ্গলের জন্য Bengal Tenancy Act সংশোধন করিয়াছেন, গরীব খাতকদের উপকারের জন্য Bengal Money-lenders Act পাশ করিয়াছেন, জনসাধারণের উপকারের জন্য Secondary Education Bill আনয়ন করিয়াছেন—আপনাদের যদি খাঁটি জিনিষকে appreciate করিবার মত প্রবৃত্তি থাকিত, যদি আপনাদের vision বা দৃষ্টিকোণ vitiated না হইত তাহা হইলে, আপনারা oppositionএ না বসিয়া গভর্ণমেণ্টকেই support করিতেন। আপনারা দুঃখী দরিদ্রের উপকারের জন্য আনীত Bengal Money-lenders Bill টার পর্য্যন্ত oppose করিয়াছিলেন। আপনারা কলিকাতা করপোরেশনের প্রথম বিলের বিরুদ্ধাচরণ করিয়াছিলেন, এখনও যে এই বিলটার বিরুদ্ধাচরণ করিবেন, তাহা আমরা জানি। Secondary Education Billএর বিরুদ্ধাচরণ করিয়াছেন এবং ভবিষ্যতেও যে বিরুদ্ধাচরণ করিবেন তাহাও আমরা জানি। কিন্তু আমরা কি করিব? প্রজার, গরীব দুঃখীর ও দুস্থ করদাতাদের উপকারের জন্য যাহা কিছু করার দরকার, তাহা গভর্ণমেণ্টকে এবং আমাদিগকে করিতে হইবেই। যা কিছু গলদ—যা কিছু খারাপ তাহা গভর্ণমেণ্টকে purify বা বিশুদ্ধ করিতেই হইবে। ইহাতে কায়েমী স্বার্থবাদীগণ চিৎকার করিলে কিছু আসিবে যাইবে না। জগত আছে, জগতই আমাদের কাজের বিচার করিবে। আমি বলিতেছি এই রকমভাবে করপোরেশনের গলদ দূর করিবার জন্য সেখানে serviceএ যে গলদ আছে—যে অনাচার অবিচার রহিয়াছে, তাহার প্রতিকারের জন্য service ইত্যাদিতে আত্মীয় প্রীতি স্বজন-

পালন বান্ধব পোষণ যাতে উঠাইয়া দেওয়া যায়, তার জন্য যদি একটা statutory Service Commission হয়, তার জন্য গভর্ণমেণ্টকে এত দোষারোপ কেন? আপনাদের মাথার উপর যে কুৎসা—যে অপবাদ রহিয়াছে যে নিজেদের আত্মীয়-স্বজনকে কেবল চাকরী দিয়েছেন—করপোরেশনের বেশীর ভাগ পদগুলি নিজেদের অযোগ্য লোক দ্বারা অধিকার করিয়া রাখিয়াছেন, সেই অপবাদ স্খালন করার জন্য—সেই অপবাদ হইতে আপনাদিগকে মুক্ত করার জন্য—গভর্ণমেণ্ট যে statutory service commission নিয়োগ করার প্রস্তাব করিতেছেন, সেজন্য আপনাদের গভর্ণমেণ্টকে বাহবা দেওয়াই উচিত। ধন্যবাদ দেওয়াই উচিত! তা না করিয়া একেও আপনারা বাধা দিবেন।

তারপরে, অনেকে এই বিল্‌টায় official controlএ করপোরেশনকে নিয়ে যাওয়ার ব্যবস্থা হইয়াছে বলিয়া উল্লেখ করিয়াছেন। কিন্তু আমি জিজ্ঞাসা করি official controlটা খারাপ কিসে? আপনারা গভর্ণমেণ্টের স্কুলে ছেলেদের পড়ান না? (Noise and interruption.) আপনাদের মতের কিছুই ঠিক নাই। এই তো একবার স্কুল, কলেজ, কোর্ট, আদালত, কাউন্সিল, সব বর্জ্জন করিয়াছিলেন, কিন্তু, যখন দেখা গেল যে, বর্জ্জনে তেমন সুবিধা হ'ল না, তখন ঐসব খারাপ জিনিষই আপনারা আবার খুব অধ্যবসায়ের সহিত অর্জন করিয়া ফেলিয়াছেন। এই যে Assemblyতে আসিয়াছেন, এটায় কি official control নাই? এখানকার সমস্ত কাজই তো গভর্ণমেণ্টের অফিসারদের দ্বারা সম্পাদিত হইতেছে তাহাতে আপনাদের একটা "টু" শব্দও নাই। আর করপোরেশনে সামান্য একটু official controlএর কথা উঠিতেই সজোরে চিৎকার সুরু করিয়া দিয়াছেন! আপনারা বিধাতার অদ্ভুত সৃষ্টি! আপনারা চিৎকার করিলেও আমরা বেশ জানি—official control হইলেই সব কাজ ভাল হয়। কলিকাতা করপোরেশনের যত সব পচা গলি, পচা নর্দ্দামা পচা রাস্তা ঘাটের সঙ্গে official controlএ যে আর একটা জিনিষ পাশাপাশি রহিয়াছে—যার নাম Calcutta Improvement Trust,— সেটার কাজ তুলনা করিয়া দেখুন। সেটার কাজ এমন দক্ষতার সহিত সম্পাদিত হয় যে কলিকাতার যেখানে যেখানে Trust-এর কাজ হইয়াছে, সেখানকারই চেহারা ফিরিয়া গিয়াছে। Improvement Trust-এর প্রশস্ত রাস্তা ঘাট, প্রকাণ্ড প্রকাণ্ড বিরাট নয়নাভিরাম সৌধমালা প্রভৃতি দেখিয়া লোকে আজ অশেষ আনন্দ লাভ করিতেছেন। এবং তাহাদের চক্ষু জুড়াইয়া যাইতেছে। Improvement Trustএর কল্যাণে কলিকাতা আজ ইন্দ্রপুরী বা পরীস্থানে পরিণত হইয়াছে এবং বিদেশ হইতে লক্ষ লক্ষ লোক কলিকাতা নগরী দেখিতে আসিতেছে। স্যার সুরেন্দ্রনাথ যাদের হাতে করপোরেশন দিয়া গিয়াছিলেন, তারা কলিকাতার আশে-পাশের রাস্তা ঘাটই পরিষ্কার রাখিতে পারিতেছেনা। সেজন্যই আমরা official controlই চাই। Official control হইলে করপোরেশনের পচা পুতিগন্ধময় স্থান এ সহরে আর থাকিবে না। সমস্তই পরিষ্কার হইয়া যাইবে। কাজেই official control ভাল জিনিষ। আর একটা কথা আমার মনে হইতেছে কাল অনেকে কান্না-কাটি করিয়াছিলেন যে এই বিলে করপোরেশনকে supersede করার ব্যবস্থা হইতেছে। মাননীয়া, বিরুদ্ধ দলভুক্তা মিসেস্ নেলি সেনগুপ্তা স্বাধীন দেশের ইংরাজ দুহিতা; তিনি

বলিয়াছেন যে করপোরেশনকে supersede করার ব্যবস্থা হইয়াছে। আমি বলিতেছি খারাপ অযোগ্য লোকদের ব্যবস্থার ফলে যেখানে পচা গন্ধ রহিয়াছে সেখানে গভর্ণমেণ্টের ব্যবস্থার ফলে যদি ভাল গন্ধ হয় তাতে দুঃখিত হওয়ার কি আছে? আপনারা ভালো করিয়া ওটাকে চালান, তাহলে গভর্ণমেণ্ট ওটাকে supersede করিতে যাইবেন কেন? এই যে Indian Penal Code দেশে দেশে বর্ত্তমান রহিয়াছে তাহাতে ভাল লোকের সৎ লোকের ভয় কি? চোরের এবং অসৎ লোকেরই তাতে ভয়। কারণ যে চুরি করবে সেই জেলে যাবে, যে খুন করবে তারই ফাঁসী হবে। Penal Code আছে বলে সকল লোকেরই কি জেল বা ফাঁসী হয়? না হয়েছে? কেবল যারা চুরি করে তাদেরই জেল হয়; যারা খুন করে, তাদেরই ফাঁসী হয়। এতে ভয়ের কি কারণ থাকৃতে পারে?

Maulana Md. MANIRUZZAMAN ISLAMABADI : মাননীয় সভাপতি সাহেব, কলিকাতা মিউনিসিপাল Second Amendment Billএর প্রাথমিক আলোচনা প্রসঙ্গে আমি একটিমাত্র কথা বলিব সেটা হইতেছে এই যে বর্ত্তমান জগত রাজতন্ত্র, স্বেচ্ছাচারতন্ত্র ও নিয়মতন্ত্র ইত্যাদি ভাঙ্গিয়া গণতন্ত্রের দিকে অগ্রসর হইতেছে। ভারতবর্ষ এবং ভারতবাসী আজ পঞ্চাশ বৎসরের অধিক কাল হইতে এদেশের স্বায়ত্ত-শাসনের গণতন্ত্রের দাবি করিয়া আসিতেছে। বৃটিশ গভর্ণমেণ্টও এ দেশবাসীকে Self-Government বা স্বায়ত্বশাসনের নামে কতকগুলি অধিকার দান করিয়াছেন। মিউনিসিপালিটি এবং ডিষ্ট্রীক্ট্ বোর্ডে দেশবাসীরাই ভোট দিয়া প্রতিনিধি নির্ব্বাচন করেন এবং উক্ত প্রতিনিধিগণ ঐ উভয়বিধ প্রতিষ্ঠানের, কার্য্য পরিচালনা করিয়া যাইতেছেন। কিন্তু ইহাতেও এদেশের চিন্তাশীল nationalist বা জাতীয়তাবাদী লোকেরা সন্তুষ্ট নন। ইহা অপেক্ষা আরো বেশী অধিকার পাইবার জন্য তাঁহারা উদ্‌গ্রীব। বলা বাহুল্য যে বর্ত্তমান ভারতবাসী সম্পূর্ণ গণতান্ত্রিক শাসনাধিকার লাভ করিবার জন্য তাঁহারা বিশেষভাবে চেষ্টা করিতেছেন। স্বায়ত্বশাসনের অধিকার সামান্য যেটুকু পাওয়া গিয়াছে সেটুকুও গভর্ণমেণ্টের হাতে হস্তান্তরিত হইয়া যাক—এই কামনা যারা করে সে রকম লোক ভারতবর্ষে, বাংলাদেশে কিম্বা বাংলার ব্যবস্থাপরিষদে আছে—একথা আমি কল্পনাও করিতে পারি না। (Shame! Shame!) মাননীয় ঢাকার নবাব বাহাদুর এই স্বায়ত্বশাসন—এই Self-Government বিভাগেরই ভারপ্রাপ্ত মন্ত্রী। তাঁর নিজের বিভাগের প্রতি যদি আস্থা না থাকে, স্বায়ত্বশাসন বলিয়া কোন জিনিষের অস্তিত্ব বজায় থাকুক, অথবা ঐ অধিকারের আরও কোন উন্নতি হোক এটা যদি তাঁর কাম্য না হয়, তাহা হইলে তাঁর Self-Government বিভাগের Minister বলিয়া নিজের পরিচয় দেওয়া উচিত নয়। আমরা চাই—Local Self-Governmentএর অধিকার দিন দিন আরো বর্দ্ধিত হোক। আমরা চাই দেশবাসী জনসাধারণের হাতে আরো ক্ষমতা আসুক, দেশ শাসনের আরো কর্ত্তৃত্ব আসুক। কিন্তু আজ দেখিতেছি কি? মাননীয় নবাব বাহাদুর স্বায়ত্বশাসনের মন্ত্রীরূপে, যেটুকু অধিকার আমরা পাইয়াছি সেটুকুও ছিনাইয়া লইবার চেষ্টা করিতেছেন। তিনি জানেন যে ভারতের মহামনিষী

রাজনৈতিক গুরু স্যার সুরেন্দ্রনাথ বানার্জি যে সময় Nationalist দল হইতে সরিয়া আসিয়া তিনি মডারেট শ্রেণীর মধ্যে গণ্য হইলেন সে যুগেই তিনি ১৯২৩ খৃষ্টাব্দে এই কলিকাতা মিউনিসিপাল বিল্ রচনা করেন এবং উহাকে আইনে পরিণত করিয়া যান। বলিতে গেলে তাঁর সেই moderationএর যুগে যে আইন রচিত হইয়াছিল সেটাকে হজম করার মতন শক্তিও বর্ত্তমান মন্ত্রীমণ্ডলীর নাই। আজ ১৬ বৎসর পরে, দুনিয়া যখন গণতন্ত্রের দিকে অনেকটা অগ্রসর হইয়াছে, স্বাধীনতার বাতাস দুনিয়ায় বহিতেছে এই যুগেও বর্ত্তমান স্বায়ত্বশাসন বিভাগের মন্ত্রী মহোদয়ের উহা রক্ষা করিবার ক্ষমতা নাই ইহা বাস্তবিকই পরিতাপের বিষয়। মিউনিসিপালিটিতে গলদ আছে বলিয়া তিনি উহার মৌলিক অধিকার কাড়িয়া লইতে উদ্যত হইয়াছেন ইহা কি দূরদর্শিতা? আমি তাঁহাকে জিজ্ঞাসা করিতেছি—গভর্ণমেণ্টের বহু বিভাগের মধ্যে এমন কোন বিভাগটা আছে যেখানে গলদ নাই? তাঁদের P. W. D.র ব্যবস্থাটাই ধরা যাক। সেখানে লক্ষ লক্ষ টাকা লুটপাট হইয়া যাইতেছে তাহার খোজ খবর লইবার কেহ আছে কি? Medical বিভাগটার অবস্থা তদ্রূপ। মেডিকেল কলেজের ন্যায় কলিকাতার বুকের উপর মন্ত্রীমহোদয়গণের চক্ষের সম্মুখে যে মহা প্রতিষ্ঠান ইহাতেও কত গলদ! আজ আপনি যদি একটি রোগী লইয়া সেখানে যান, শুনিতে পাইবেন যে "সিট্ নাই।" কাল যদি ডাক্তারকে বাড়ীতে কল দিয়া ভিজিট্ দিতে পারেন, তাহা হইলে একটী নিঃসহায় পীড়িত লোককে বিতাড়িত করিয়াও সিট্ দেওয়ার ব্যবস্থা হইবে। এই তো ব্যাপার। সুতরাং যেমন সর্ব্বত্রই গলদ আছে, তেমনি কলিকাতা মিউনিসিপালিটিতে গলদ আছে, স্বীকার করি। এবং সে গলদের প্রতিকার আমরা সকলেই চাই। কিন্তু তার প্রতিকার এটা নয় যে একটী লোকের রোগ হইলে তাহাকে চিকিৎসা করিয়া আরোগ্য করার পরিবর্ত্তে তাহাকে কাটিয়া ফেলিতে হইবে। কোন লোকই এরূপ ব্যবস্থায় সায় দিতে পারে না। যদি স্বায়ত্বশাসন বিভাগে কোন গলদ থাকে তার প্রতিকার করুণ, কিন্তু স্বায়ত্বশাসনের অধিকার কাড়িয়া নিতে চান কি যুক্তি বলে? যদি এতই গলদ থাকে স্বায়ত্বশাসন বিভাগে তাহা হইলে এই বিভাগটা তুলিয়া দিয়া গভর্ণমেণ্টের খাস মহালভুক্ত করিলেই কথা চুকিয়া যায়। (Laughter.) আমি শুধু এই কথাটাই বলিতে চাই, গভর্ণমেণ্টের এই যে প্রচেষ্টা ইহাতে কি তাঁরা আত্মহত্যার পথই প্রশস্ত করিতেছেন না? আজ যেমন কলিকাতা করপোরেশনের Chief Executive Officerকে গভর্ণমেণ্ট নিযুক্ত করিবার অধিকার নিজ হাতে লইতে ইচ্ছুক কাল অন্যান্য জেলার মিউনিসিপালিটির চেয়ারম্যানকেও গভর্ণমেণ্ট নিযুক্ত করিবেন না তাহার কি নিশ্চয়তা আছে? ঐরূপে জেলা বোর্ডসমূহের চেয়ারম্যানদের নিয়োগেও যে গভর্ণমেণ্টের সম্পূর্ণ কর্তৃত্ব যে প্রতিষ্ঠিত হইবে তাহাতে সন্দেহ কি? দেশের ডিষ্ট্রীক্ট্ বোর্ড ও মিউনিসিপালিটিসমূহে যে কোন গলদ নাই একথা বলা চলে না। কিন্তু বর্ত্তমানে যে সকল অধিকার মেম্বরদের হাতে রহিয়াছে Chairman নির্ব্বাচিত করিবার যে ক্ষমতা তাহাদের আছে এ অধিকারটা গভর্ণমেণ্টের হাতে সঁপিয়া দিতে কি তাঁহারা সম্মত হইবেন? তাহা যদি না হয় তাহা হইলে কলিকাতা

রাজধানীর যে কর্পোরেশন তাহার প্রধান কর্ম্মকর্ত্তা নিয়োগের ভার গভর্ণমেণ্টের হাতে তুলিয়া দেওয়া কিরূপে সমর্থন করা যাইবে? এইরূপে অন্যান্য কর্ম্মচারী নিয়োগের ক্ষমতা একটী সরকার নিযুক্ত কমিশনের হাতে দিয়া কাউন্সিলারগণ কেবল দর্শক হইয়া বসিয়া থাকিবেন ইহাই কি স্বায়ত্তশাসনের অর্থ? এই ব্যবস্থার তো কোন যুক্তি দেখা যায় না।

এই প্রগতিশীল যুগে দেশবাসীর হাতে যেটুকু অধিকার আছে সেটুকুও গভর্ণমেণ্টের হাতে চলিয়া যাক একথা কেহ ভাবিতে পারে বলিয়া আমি কল্পনাও করিতে পারি না। দুনিয়া যখন নিজেদের দেশের কর্তৃত্ব নিজেদের হাতে রাখিবার জন্য এবং নিজ দেশ নিজেরা শাসন করিবে এই নীতির দিকে অগ্রসর হইতেছে তখন আমরা কি উন্নতির পরিবর্ত্তে অবনতির গভীর গহ্বরে নিমজ্জিত হইবার জন্যই লালায়ীত? আমি আশা করি হাউসের মেম্বরগণ এই দিকটা বিশেষ চিন্তা করিয়া ভবিষ্যতের কর্ত্তব্য নির্দ্ধারণ করিবেন।

Mr. I. D. JALAN: Sir, I beg to support the motion for circulation of this Bill. In doing so, I must make it clear at the outset that the attitude which we have taken up with regard to this Bill is that of non-co-operation. It is based upon a thorough consideration of the issues which have arisen from the Bill which is before us. It is not in a light-hearted spirit that we have come to this decision. We feel that this Bill is a serious encroachment upon the rights and liberties of self-governing institutions. Even when the present popular Government was not in power, even when we were ruled by the white bureaucracy, even at the time when the people of this country were fighting for their elementary rights of self-government, this point was conceded that so far as local self-government is concerned the utmost power and rights should be given to the local self-governing bodies. They should be vested with real powers and not nominal powers; they should be non-officialised, and they should be put under the full control of the people of the particular locality. It was this basic principle upon which the whole legislation of local self-government proceeded.

It will not be out of place for me if I quote a passage from the resolution of the Government of India on Local Self-Government passed so far back as 1918 which formulated the principles upon which the local self-governing bodies were to be constituted. Sir, the following quotations will show the fundamental basis on account of the infringement of which we have come to the serious decision with regard to this Bill—"the first and foremost principle which was enunciated in Lord Ripon's resolution of 1882 and which has been emphasised by successive Secretaries of State is that the object of local self-government is to train the people in the management of their own local affairs and that political education of this sort must in the main take precedence of consideration of departmental efficiency." I

lay stress upon the words "departmental efficiency." The resolution further states: "It follows from this that local bodies should be as representative as possible of the people, that their authority should be real and not nominal, and they should not be subjected to unnecessary control, but should learn by making mistakes and profiting by them." (Cries of "Hear! hear!" from Congress Benches.) "The general policy, therefore, must be one of gradual removal of unnecessary Government control and of differentiating the spheres of action appropriate for Government and for local bodies respectively."

Sir, this, in short, is the principle upon which even the much-maligned bureaucratic Government proceeded. But what should we say with regard to the present Government which claims to be based on popular franchise and which calls itself a popular Government? Sir, let us not forget in the communal bickerings from which we are suffering to-day that there is a fundamental cause of struggle which in India has been raging for the last 50 years in order to get rid of foreign control. All the efforts of the past have been actuated by this and this hope alone that a day will come when so far as India is concerned it will be really a self-governing entity in this world. To achieve this purpose we started with local self-government, and then we have come to the stage of Provincial Governments. We have yet to see as to how the Central Government is going to be constituted and how far we Indians can wrest the power in the centre from the hands which wield it to-day.

Sir, it is setting up a very bad example for any democracy and for any Government which calls itself to be based on popular will to come forward with a piece of legislation which undermines the autonomy of a local body. If this principle be applied by a Provincial Government in relation to its local subsidiary body, why should not the Central Government apply the same principle with regard to the Provincial body? I am quite positive that if the Government of India goes out of its way to promulgate an ordinance or rule by which the Public Service Commission of Bengal is to be nominated not by the Government of Bengal, but by the Government of India, I am quite sure that the present Government, if it is true to its salt, will rise as one man and say that this is an unnecessary interference with the Provincial Autonomy of this province. If that be true with regard to the Government of Bengal, why is it not true with regard to the Corporation of Calcutta? (A whisper from a member of the Congress Party.) My friend has drawn my attention to the fact that it is the Governor who appoints the Public Service Commission. I do realise that, but is not the Governor a part and parcel of the Government of this province? Is he separate from this province? He is not. And if you carry the matter further and say that so far as the Bengal Public Service Commission is concerned, it is

appointed by the Governor in his discretion and not by the Provincial Government, I should say that this is based upon the principle that the appointment should be free from party bias. But what guarantee is there that the Party Government which rules this province will be actuated in the appointment of the Service Commission by any other bias than the party bias? So far as the Governor is concerned, you might say that he is free from party politics, and, therefore, this right has been vested in him. But can you say the same thing with regard to the Provincial Government which is based upon party politics? I say, Sir, that if the power of making appointments is wholly snatched away from the hands of the Corporation, it will make the Corporation absolutely imbecile, absolutely useless! You mean to say that the Corporation should formulate its policy, but it should have no hand in the appointment of its officers who are to carry out its policy? I do not know of any instance of any local body where a Service Commission has been appointed, as has been suggested in the present Bill. You say that the Provincial Government will appoint the Chief Executive Officer and they will be entitled to remove the Chief Executive Officer and so far as other services are concerned, appointments are to be made by the Service Commission who will be appointed not by the Corporation, not by any individual who is free from party politics, but by a Government which from head to foot is full of party politics—not only party politics, but communal politics, I should say—and that is the additional reason why people are afraid of vesting the present Government with the power which it requires. It is on this principle of self-government firstly that we say that this Bill is reactionary and anti-democratic. You are taking away the right of appointment from a premier Corporation which has got its finances equal to the finances of the Government of Assam, which has got 90 representatives chosen from the different parts of a cultured city like Calcutta and whose representatives cannot be said to be in any way inferior to the representatives who govern this province and who cannot be said to be in any way inferior even to some of the Ministers who to-day occupy the ministerial *guddy* of this province and still you say that they are incompetent even to make appointments! Can there be a greater condemnation of democracy? If that condemnation is applicable to the affairs of the Calcutta Corporation, it is equally applicable—and with greater force—to the affairs of the Government of Bengal. (Cries of "Hear hear!" from Congress Benches.) Democracy is on its trial. The past generation and the present have fought for the rights of the people and for the principles of democracy. Sir Surendra Nath Banerjee considered it to be a great privilege of his life when he piloted the Calcutta Municipal Bill in 1923. Sir Surendra Nath Banerjee and twenty-eight of his colleagues resigned their seats in the Corporation when there was an encroachment upon the democratic principles of the Corporation of

Calcutta. It is those pious principles, those sacred principles, which are going to be set at naught by the present Government and that is one of the reasons why we say that so far as this Bill is concerned, we cannot support it because an encroachment upon this sphere of self-government may be followed by encroachments upon other spheres of self-government, which are equally reprehensible to us.

Moreover, Sir, there is another aspect of the case which has got to be considered in this connection. Government in its Statement of Objects and Reasons has stated that so far as appointments in the Corporation of Calcutta are concerned, they are made with party motives. We must realise that in every democracy where there are persons in power there must be some amount of favouritism, some amount of nepotism; that is inevitable as part of human nature, and this Government and no other Government in this world is free from it. The question is whether the situation is such that it justifies the Government of Bengal to snatch this power away from that local body. I say, Sir, no such situation has arisen. So far as the Calcutta Corporation is concerned, it has tried to manage its affairs efficiently and well. Of course every institution has its defects. There is no use on my part to repeat the arguments which have been advanced by the previous speakers, but this much is quite clear that so far as legislation after legislation is concerned, the Government are moving not with a view to reform it, but with a communal outlook which alarms those who are hit by it. Government have in clear and unequivocal terms stated that they are out to crush the Congress. So far as the Hindu community is concerned, every Bill that is presented before the Legislature has got that colour which makes every man suspicious of the ultimate intentions of this Government.

So far as the Secondary Education Bill is concerned, every Hindu rose to a man in this Legislature and opposed the Bill, but still the Hon'ble the Chief Minister had the audacity to say that if he were true to the tenets of Islam, he would see that this Bill was placed permanently on the statute book. Is that the spirit in which the Government will rule the province of Bengal? Is that the spirit by which the Government want to rule over the minority in this province? Is that the treatment which the Government wants to mete out to the Hindu minority of this province? If that be so, with what face can you say that no constitutional advance can be made in India unless 25 per cent. of your minority in India is satisfied? You cannot crush our rights and sentiments. We have got to say that we the nationalists of this province, we the Hindus of this province, cannot tolerate any encroachment upon the rights and liberties of the people, and it behoves Government to respect our feelings, and not to violate our feelings in such a manner. Government should always remember that it was the

Treaty of Versailles which produced Hitler and modern Germany; it is the behaviour of this Government which would produce somebody in this province who will teach them a good lesson in future.

Mr. PUSPAJIT BARMA: The Calcutta Municipal (Amendment) Bill as it is proposed and introduced is fraught with far reactionary effect. We live in days of democracy, and to protect democracy the Allies are trying their best. I do not see any reason why we should go backwards. I do not understand, what motives prompted to make such laws, so that our successors would call us fools. If this Bill is translated into an Act, it will befool us and our sons will say: "In the days of democracy the representatives of the people, who formed a democratic Government, did not hesitate to go back to the days of autocratic Government." I do not like to speak much and waste the valuable time of the House. I would simply say this:—

The city of Calcutta did not enjoy any sort of democratic constitution prior to the year 1876. The members of the Corporation were then called Justices and were appointed by the Government of Bengal. The self-government of the city is an organic evolution. Before the year 1876 a great agitation was started by eminent persons of Calcutta and by late Sisir Kumar Ghose, the then Editor of the *Amrita Bazar Patrika*, to have a liberal constitution for the Corporation of Calcutta. The result of that agitation was the enactment of the Act of 1876 whereby one-third of the members of the Corporation were nominated by the Government of Bengal and the remaining two-thirds were elected by the rate-payers of the city of Calcutta. After a few years came the notorious MacKenzie Bill which wanted to fully officialise the Corporation of Calcutta. The Great patriot, late Sir Surendra Nath Banerjee, describes the MacKenzie Bill as follows:—

"The head of the Municipal Executive was to have independent powers no longer subordinate to those of the Corporation; he was to be a co-ordinate authority and the supremacy of the Corporation was to be emasculated. The Commissioners could talk as much as they liked, but within his own sphere, the Chairman would act as he pleased with little or no responsibility to the Corporation. The authority of the Corporation was to be further restricted by creating a General Committee, another co-ordinate and independent authority. The majority of the representatives of the rate-payers in the Corporation was still maintained; but it was left for Lord Curzon, after the Bill had passed the Select Committee stage, to issue the crowning mandate that was to officialise the Corporation, directing the reduction of the elected members and placing them numerically on the same footing as the nominated element. This coupled with the fact that the President was an official gave a standing majority to the official element. Thus, Sir, was completed the officialisation of the Calcutta Corporation."

The result was that as a protest against this Bill 28 elected members of the Corporation resigned, but unfortunately the same Bill became law in the year 1900. Then, Sir, after 23 years, that is, in 1923, we got the present Calcutta Municipal Act of 1923, on which we are going to discuss an amendment to-day. Sir Surendra Nath Banerjee, the then Minister of the Government of Bengal, introduced the Bill in the old Legislative Council and in the Bill he broadened the franchise and made the Corporation free from the control of Government and women were given the right to form an electorate and the Corporation was democratised. In introducing the Bill into the Legislature, Sir Surendra Nath used the following words: "We have sought to establish in this great city the essential principle of democracy, namely, Government of the people, by the people, for the people. We have broadened the franchise. We have enfranchised the womanhood of Calcutta; we have relaxed the fetters of Government control; we have provided for sanitary conditions which I hope will improve the health and promote happiness and add to our civic amenities." This was our Municipal Act of 1923 and now we are going to discuss an amendment of that Act. I think this is the second instalment of the amendments to the Municipal Act of 1923. But what do we find in this second amending Bill? Sir, nobody thought before that again such instalment of amendments to the Calcutta Municipal Act will come. Nobody thought that anyone will have occasion to deal with this Municipal Act again, but unfortunately we have got to do it again on the floor of this House. Sir, I style this Bill as a Bill like the notorious MacKenzie Bill. I have gone through the Bill. I will not take much time in going through the details of this Calcutta Municipal Amendment Bill, but I will draw your attention to the Statement of Objects and Reasons only, that has been given by the Hon'ble Minister. Sir, what is written there? Mark the sentences, "political views of the party in power in the Corporation have largely influenced the day-to-day administration of the Corporation with the result that the efficiency of the administration has been impaired." Another point is that, "appointments to posts under the Corporation have often been made on personal and party considerations." Sir, may I ask the Hon'ble Minister in charge of the Bill through you—Is there any democratic form of government in the world where there is no influence of party? May I ask the Hon'ble Minister in charge of the Bill—Is there any self-governing institution in this civilized world where there is no party influence? Whatever it is, we cannot free ourselves from the influence of parties. We cannot do away with party influence until and unless we do away with the democratic form of Government also. It is the necessary evil of a democratic form of Government and if we want to do away with party influence we shall have to do away with the democratic form of Government also. Sir, so far as appointments are concerned, the same thing happens elsewhere also. May I

not ask the Hon'ble Minister if similar things do not happen in the Government of Bengal? May I not ask him and say that it generally so happens because we cannot do away with these things, and it must happen as long as a democratic form of Government remains? If you want to do away with these things, then you must also do away with the democratic form of Government in which majority party ever rules in the interest of the party.

I would now like to draw your attention to clause 5 of the Bill which gives power to the Provincial Government to annul or suspend any proceedings of the Corporation or of a special committee, or of any sub-committee. This is a very bad thing on the part of the Government. In clause 5 (*b*) it is written that Government can suspend any resolution of the Corporation or of any standing committee or any sub-committee thereof or of any special committee which in the opinion of the Provincial Government is likely to lead to serious breach of the peace, etc. Sir, mark the words "which in the opinion of the Provincial Government." Sir, I am now reminded of the story of the wolf and the lamb drinking water by the riverside, and this case also is on all fours with that story. If anybody wants to find fault with anybody he may find fault with him at any moment. So it will only increase the tendency of the Government to find fault with the Corporation.

(Here the member reached the time-limit but was given one minute to finish his speech.)

I would also like to draw your attention to clause 19(B) of the Bill which gives power to the Provincial Government to dissolve the Corporation—a fine thing indeed, and it rises to the climax. It not only provides for the suspension of any particular department of the Calcutta Corporation, but it goes to the length of providing for its dissolution also. Let me ask Government if they think that all the members of the Calcutta Corporation are corrupt so that they always take to corrupt practices in the Corporation? In that case shall I not be able to say that all the citizens of Calcutta are also corrupt, because it is they who have sent the Councillors of the Calcutta Corporation as their representatives who are not good but are corrupt? So, Sir, I say that it is not a question of corruption or anything else, but it is a question of bringing the Calcutta Corporation under the control of the Government of Bengal.

(The member having reached his time-limit resumed his seat.)

Mr. SYED ABDUL MAJID: Sir, I rise to support the motion of the Hon'ble Minister for reference of the Bill to the Select Committee and oppose the motion for circulation of the Bill for eliciting public opinion thereon.

Sir, I welcome this measure which is calculated to bring about the much needed reforms in the administration of the Calcutta Corporation. Is there anybody who has followed the affairs of the Calcutta Corporation who can sincerely deny that there have been serious charges of abuses, nepotism and jobbery in the administration of the various departments under the Calcutta Corporation? Is it not a fact that the affairs of the Calcutta Corporation have been utilised for party purposes by the majority party since the Calcutta Municipal Act of 1923 came into force? We were reminded yesterday night by Mr. Satya Priya Banerjee of the great ideal laid down by the late Mr. C. R. Das, the first Mayor of the Calcutta Corporation. The ideal that was laid down by him was the ideal of the service of the poor. I wish Mr. C. R. Das were alive to-day to see how that noble ideal was realized, and fulfilled by his supporters in the administration of the Calcutta Corporation. Sir, the name of Sir Surendra Nath Banerjee, the framer of the Act of 1923, was also freely mentioned yesterday and has been mentioned to-day also by some of the speakers. I wish also that he were alive to-day to see how the noble objects with which he had framed the Act has been frustrated by those of his countrymen in whose hands Providence had placed the administration of the Corporation from time to time.

Sir, it has been said that some of the provisions of the Bill have been designed to take away the autonomous character of the Calcutta Corporation. In an institution where so much abuses, nepotism and jobbery are prevalent, and where the efficiency of administration has been so much impaired that it was condemned even by Mr. Subhas Chandra Bose who compared it to the "Augean stable" and which he said he was out to clean. (Mr. ATUL CHANDRA KUMAR: "Does Mr. Subhas Chandra Bose support the Bill?") The State must come forward to undertake necessary legislation in the interests of the ratepayers in general even if it interferes with its autonomous character, under the cloak of which so much injustice was done to the poor ratepayers of Calcutta.

Sir, Mr. Hashemy was very vehement in his denunciation of the Government last night for bringing in this measure. The sum and substance of his arguments was "Physician, first heal thyself," He wanted to convey to us that when there are departments under Government which are not altogether free from abuses, the Government has no right to take any steps for the eradication of the evil from the administration of the Calcutta Corporation. That, Sir, is to my mind a most funny argument. For, Mr. Hashemy knows very well that the remedy for freeing the administration of any department of Government from abuses, lies ultimately in the hands of the legislators, to whom not only the ministry but also the various departments under them are responsible. But unlike the members of the Legislature the Coun-

cillors in power in the Corporation keep themselves quite busy in the pursuit of their personal ends and as such no action can be taken from within to remove those evils from the Corporation. Mr. Hashemy has complained about the undue influence that is being exercised by some of the League representatives on the Corporation and he has also cited some instances of such abuses in the matter of appointments. I do not know how far his allegations are correct, but we are strongly opposed to any sort of individual influence of any Councillor in the matter of appointments or in the administration of any functions of the Corporation, be he a nominee of the Muslim League or a nominee of the Congress or of any other group. Sir, from the trend and tenor of Mr. Hashemy's speech, it seems that he was very much annoyed with the Muslim League because the Muslim League was responsible for ousting him from the Calcutta Corporation and he was thus deprived of the manifold advantages that he used to enjoy so long. He might have been ousted from the Corporation by the Muslim League, but let me hope that he will not be ousted from the fine building that he has been able to construct during the régimé he was a Councillor of the Calcutta Corporation. Sir, the members of the League will not grudge it and will not surely deny him the pleasure of enjoying the amenities of Calcutta so long as he lives in that beautiful building in the Beniapooker side in the vicinity of his leader's house.

Sir, the provision for appointment by Government of the Chief Executive Officer of the Corporation, has received serious condemnation from some of my friends opposite. We have often seen how the party in power by sheer influence keeps the Chief Executive Officer absolutely subservient to them. He has no liberty, no independence and no freedom in carrying out his duties, because he has always to satisfy the party in power for his continuance in his office. Visit the spacious room of the Chief Executive Officer in the Corporation and you will invariably find him surrounded by a number of Councillors clamouring for their personal ends.

Mr. ATUL CHANDRA KUMAR: Just as the Ministers are surrounded by members of the Muslim League in the Writers' Buildings!

Mr. SYED ABDUL MAJID: There has been frequent interference with the discharge of his executive functions by the Councillors and it is therefore absolutely necessary that the Chief Executive Officer should be one outside the sphere of influence of any Councillor or Alderman, and if this is done at least 60 per cent. of the abuses of the Corporation will be gone.

Sir, I am really surprised to find that the provision for setting up a Service Commission for the recruitment of important posts in the Corporation has also evoked considerable criticism from some of the speakers opposite. When there is a Public Service Commission for

recruitment to important posts under Government, there can be no reasonable ground why the proposal for setting up a similar Service Commission for appointment to important posts under the Corporation should be opposed. It seems to me that this objection is due to the fact that one Muslim shall have a place in the Commission. If that is your real objection, why not frankly say so? Why not make a suggestion straightaway for exclusion of Muslim members from the proposed Commission? The Government may even concede to your demand because they are not so much anxious to include a Muslim member in the Commission as they are to set up the Commission in order to put a check upon the Corporation in making appointments of unqualified and undesirable persons in responsible posts under the Corporation. I am sure the provision of making appointment of the Chief Executive Officer and of setting up the Service Commission for recruitment of responsible and important officers in the Calcutta Corporation will receive universal acceptance of the general rate-payers of this city who will certainly welcome this salutary measure which is designed to put a stop to the frequent exercise of undue influence by the vested rights in the affairs of the Calcutta Corporation.

Mr. Speaker, Sir, now I want to deal with some of the other specific provisions of the Bill. The amendment of section 19 of the present Act and the insertion of new sections like 19A and 19B seek no doubt to invest Government with more powers of control than what exists in the present Act in the matter of the proceedings of the Corporation and of its various sub-committees. Provision has also been made to suspend any resolution passed by the Corporation or by any of these committees and to supersede any of its departments. These provisions may appear to be of an extraordinary nature, but when closely examined it will be seen that they are necessary to ensure proper performance of certain duties by the Corporation. These powers are, however, not new or unique. Similar powers of control exist in the Bengal Municipal Act. Mr. Banerjee who frequently refers to "democracy"—to the constitutions of European countries—should have known that in Great Britain, France and other countries the Government exercises a much greater control over the local authorities which are subjected to constant supervision by the Government. Nobody there has seriously complained that the autonomous character of the local authorities had been taken away by the respective Governments of these countries. But why should there be so much protest from a section of the people here? The answer is obvious. The vested interests will no longer have any scope for dividing the spoils of the Corporation amongst themselves when this Bill is passed and put into operation.

Sir, the Bill contains some other important provisions of far-reaching effects: the provisions for the extension of the franchise to poorer sections of the people, limitation of the powers of the Corpora-

tion and of the Chief Executive Officer to sanction estimates and of the right of recovery of arrear taxes which are mounting year after year for want of necessary efforts and attention on the part of the Corporation to realise them. The insertion of a new section, viz., section 334A, will put an effective check to the arbitrary relaxation of building rules to the great detriment of the neighbouring buildings. Frequent relaxation and violation of the building rules have been a scandal with the Calcutta Corporation. The new amendment providing for service of notice upon the owner of the adjoining building of relaxation proposed and of consideration of any representation that may be made by such owner is expected to remove a longstanding grievance of the people concerned.

Sir, in the special meeting of the Calcutta Corporation recently held to consider the report of the sub-committee on the Municipal Amendment Bill some of the Councillors very bitterly criticised the Bill and characterised it as communal, retrograde and reactionary. Some of them have even given threat of a big fight against the operation of the Bill. But I am sure that the general rate-payers of the Corporation do not share their views. (Mr. JOGESH CHANDRA GUPTA: Get their views.) They will be too glad to welcome this measure which is calculated to do them immense good by removing the most scandalous acts of nepotism, jobbery and abuses from the administration of the various departments under the Corporation. Then, it is said that the Bill is a communal measure. How is it communal? My friends on the opposite will say: it is communal because it has been sponsored by a ministry consisting of members the majority of whom are Muslims and also because there is provision for inclusion of a Muslim in the proposed Commission. Except that, there is nothing in any of the provisions of the Bill which may give greater advantage or facility to the Muslim rate-payers. To those who are apt to give threats and throw out challenges even in a measure like this which is designed to ensure purity in administration of the Calcutta Corporation, I must say that their threats will serve no purpose. Their threats will not deter Government from the programme of work, which the ministry has in view and in the carrying out of which they will have the unstinted support of the members of this side of the House and of the country as a whole.

Mr. A. M. A. ZAMAN: সভাপতি মহাশয়, বাংলাদেশে মির্জাফর ও জগৎশেঠের বংশধরগণ এখনো জীবিত আছে, আমরা এটা ভুলে গিয়েছিলাম। কিন্তু এখন দেখ্‌ছি যে তারা আজও এদেশে বর্ত্তমান। কারণ এদেশে এতগুলি লোকের জেল ও ফাঁসি হবার পরে যে টুকু স্বাধীনতা আমরা পেয়েছি তাও আবার আমাদের মির্জাফর ও জগৎশেঠের বংশধররা লোপ কোরতে বোসেছে। আজকের এই দ্বিতীয় ক্যালকাটা মিউনিসিপ্যাল বিল সম্বন্ধে এর পূর্ব্বে অনেক বক্তা অনেক রকম বোলে গেছেন। এক বক্তা বোলে গেছেন যে করপোরেশনের দোষত্রুটি দূর করবার জন্য, তার অলিগলি পরিষ্কার

করবার জন্য গভর্ণমেণ্টের এই বিলের দরকার হোয়েছে। আমি তাঁকে জিজ্ঞাসা কোরতে চাই মাসিক ৭৲ টাকার জায়গায় রোজ ১২৷৷০ টাকা কোরে নেওয়া আর ১৫০৲ টাকা কোরে মাইনে নেওয়ার ফাকিটায়—বুঝি কিছুই দোষের নয়। আর সেই টাকা থেকে যদি গরীবের জন্য একটা পয়সাও খরচ না করা হয়, এবং পাব্লিকের নামে লিমিটেড প্রেস করে যে শেয়ার বিক্রীর কারবার করা হয় এবং শেয়ারের টাকা যদি একেবারে গায়েব করিয়া দেওয়া হয় তাহলেও তাঁদের কাছে তাতে দোষের কিছু আছে বোলে মনে হয় না। তাদেরি মুখে করপোরেশনের দোষের কথা শোভা পায় বটে। এর পিছনে একটা কবিত্ব আছে। আমার ইচ্ছা ছিলো আজকে আর বেশী বোল্‌বো না কিন্তু এখন দেখ্‌ছি একটু আধটু না বোল্‌লেও আর চোলছে না। আমরা,—যারা নাকি হিন্দুদের সঙ্গে কংগ্রেস্ sideএ আছি,—আমরা জিজ্ঞাসা কোরতে চাই ওঁরা "ভাড়াটিয়া" কাদের বলেন? আজকে Coalition ওয়ালাদের আমি জিজ্ঞাসা করি কাদের স্বার্থত্যাগ আর আত্মত্যাগের ফলে এখানে আস্‌বার ক্ষমতা তাঁরা পেয়েছেন? কখনো ওঁরা একজনও কি বোল্‌তে পারবেন যে এদেশের মুক্তি আন্দোলনে এতটুকু দান কোরেছেন? কিম্বা দেশের মুক্তির জন্য কোন কিছু ত্যাগ কোরেছেন? যদিও বা কেউ সামান্যভাবে কোন আন্দোলনে যোগ দিয়ে থাকেন তবে সেটা শুধু নিজের স্বার্থটাকে বজায় রাখ্‌বার জন্য,—৭৲ টাকা থেকে ২৫৲ টাকা কি কোরে মাইনে হবে এবং শেয়ারের টাকা কি করে পকেটে ফেলা যায় যারা এই ভাবে তাদের মুখে সবই শোভা পায়। আমাদের দেশে কতকগুলি বানর আছে,—(A member: শুধু আমাদের দেশে কেন, আছে প্রায় সকল দেশেই।) কিন্তু আমাদের দেশে তাদের সংখ্যা বেশী,—তারা কোন জিনিষই তৈরী বা উৎপাদন করে না, যখনই তাদের কোন জিনিষের দরকার হয়—তখনই যারটা পায় তারিটা নিয়ে গাছে ওঠে (laughter). এমন কি গৃহস্থের ভাতের হাঁড়ি পর্য্যন্ত নিয়ে গাছের আগায় ওঠে। আজকে ঠিক তেম্নি যারা নাকি স্বার্থত্যাগ কোরে দেশের যা কিছু ভাল জিনিষ কোরেছে,—এক লাফে তাদের ফেলে দিয়ে তাদের কাছ থেকে সেই সব জিনিষ কেড়ে নিবার জন্য কতকগুলি সুবিধাবাদীর দল —যারা নাকি আজ সেই বানরেরই বিকৃতরূপ ধোরেছে আমরা বোল্‌তে চাই,—তারা যদি "ভাড়াটিয়া" নয় তো ভাড়াটিয়া কারা?

আজকে যিনি এই বিলের কর্ত্তা, যিনি নিজেদের কিছু সুবিধার জন্য এই বিল্‌টা এনেছেন, তাঁকে আমি জিজ্ঞাসা কোরতে চাই—বঙ্গ ভঙ্গের সময় যা হোয়েছিল—বাংলাকে আসামের সঙ্গে জুড়ে দেওয়ার ব্যাপারটা তো তাঁদের family থেকে support কোরেছিলেন, বাঙালী হিন্দুরাই তো সেটার বিরুদ্ধে লোড়ে সে বঙ্গ ভঙ্গ রহিত কোরেছে। নৈলে যদি সেটা বজায় থাক্‌তো,—তাহলে আজ আসামে গিয়ে আসামীয়া ভাষায় বিল আন্‌তে হোতো, এবং সেখানে আর একশো রকমের বিল আন্‌লেও কল্‌কাতা করপোরেশন সম্বন্ধে কোন বিল আনা যেতো না।

তারপর তাঁরা আজ যে এই বিল এখানে আন্‌তে পেরেছেন কাদের চেষ্টার জন্য? আমাদের মতের লোকের জন্য, এবং এই দেশের হিন্দুদের জন্য। (Hear, hear!) তাঁরা যে বঙ্গ ভঙ্গ support কোরেছিলেন, সেটাকে আন্দোলন কোরে—হিন্দুরা উঠিয়ে না দিলে আজ বাংলাদেশের মুসলমান কি অবস্থায় এসে পোড়তো সেটা ভাব্‌তেই

পারা যায় না। যদি মুসলমান জনসাধারণ হিন্দুদের সঙ্গে জাতীয় আন্দোলনে যোগদান করার পক্ষে ওঁরা বাধা না দিতেন—তাহলে আজ বাংলাদেশের মুসলমানের অবস্থা আরো কত উন্নত হতো। কিন্তু সেটা যে হতে পারেনি তার কারণ আমি পূর্বেই বোলেছি এদেশে মির্জাফর ও জগৎশেঠের বংশধরেরা এখনো রোয়েছে; এবং তারা বানরের মতন লাফিয়ে গাছে উঠে অন্যের করা যা কিছু সব exploit করে, আর বারবার বোলে বেড়ায়—"তোমরা ভাড়াটিয়া" আমি আজ স্পষ্ট কোরে বোলে দিচ্ছি—ভাড়াটে কারা:—যারা স্বাধীনতার লড়াইয়ে বার বার কোরে বাধা দিচ্ছে,—সেই সব সুবিধাবাদীর দল যারা নাকি আজ reactionary Government চালাচ্ছে তারাই। হিন্দু হোয়ে যে জন্মেছে এবং মুসলমান হোয়েও যে জন্মেছে তারা কেউ স্বাধীনতা ছাড়া বাঁচতে পারে না।

করপোরেশনে যে গলদ আছে সে আমি বিশ্বাস করি, কিন্তু সেই গলদ আছে বোলেই যে তাকে অন্যের হাতে বিকিয়ে দিতে হবে—এদেশে আজ পর্য্যন্ত তো একথা শুনি নি। যে পাগল সেও নিজের স্বার্থকে অন্যের হাতে বিলিয়ে দেয় না। নিজের নাক কেটে পরের ভালো করার কাজ কেউ করে না। বহু পরিশ্রম ও sacrificeএর ফলে যেটুকু ক্ষমতা ও অধিকার সংগ্রহ করা গিয়েছিলো সে ক্ষমতা ও অধিকার এই বিলের দ্বারা আবার গভর্ণমেণ্টের হাতে তুলে দেওয়া হোচ্ছে। আজ যেখানে সারা পৃথিবী জুড়ে রাজতন্ত্রের বিরুদ্ধে স্বেচ্ছাচারের বিরুদ্ধে গণতান্ত্রিক অধিকার বজায় রাখার আন্দোলন চোলেছে এবং একটার পর একটা কোরে কত রাজত্ব শেষ হোয়ে যাচ্ছে সেই সময় কিনা বাংলা-দেশের তথাকথিত মন্ত্রীমণ্ডলী যাঁরা তাঁরা এবং তাঁদের supporterরা এই কলকাতা সহরের এত বড় করপোরেশন যার আয় হোলো আসাম গভর্ণমেণ্টের প্রায় সমান এত বড় একটা জিনিষকে আবার গভর্ণমেণ্টের হাতে তুলে দিতে চাচ্ছেন। বুদ্ধির বলিহারি। (Laughter.) ওদের আবার হাসিও মুখে আসে। লজ্জা বোলে কোন জিনিষ তাদের নাই; মনুষ্যত্ব বোলে কোন জিনিষ তাদের নাই, সেই জন্যই তারা এই রকম ভাবে কথা বোলছে। যারা শ্বেতচামড়ার গোলাম হোয়ে তাদের পদলেহন করবার জন্য তাদের কাছে জোড়হাত কোরে নিজেদের স্বাধীনতাটাকে, ব্যক্তিত্বটাকে বিকিয়ে দেবার জন্য প্রস্তুত হোয়েছে তারাই আমাদের বলে কি না যে "তোমরা ভাড়াটিয়া"। ভাড়াটিয়া কারা?—বিদেশীর পদলেহন কোরে দেশের ভবিষ্যৎকে বিক্রয় কোরতে যারা বোসেছে তাদেরই বোলছি—আমি ভাড়াটিয়া কাজেই আমি আবারও বোলতে চাই, আবারও স্মরণ করিয়ে দিতে চাই যে ক্ষমতাবশে তাঁরা এখানে এসেছেন সে ক্ষমতা আর একজনের অর্জিত বস্তু, তাঁরা বানরের মতন লাফিয়ে এখানে এসে সেটা অধিকার কোরে বোসেছেন। কাজেই তাঁদের স্মরণ করিয়ে দিয়ে বিনীতভাবে বোলছি—মনুষ্যত্বের খাতিরেও দেশটাকে এই রকম কোরে সর্বনাশের পথে নিয়ে যাবেন না। আর একটা কথা এখানে বোলতে চাই। যে বিলটা এখানে এনেছেন এই বিলটা করা নবাব সাহেবের কাজ নয়। তার কারণ, আমরা দেখতে পেয়েছি কিছুদিন পূর্বে যখন আর একটা বিল এখানে এই হাউসে এসেছিল সেই সময়ই আমরা অনুমান কোরতে পেরেছিলাম, এবং বলেও ছিলাম যে বাংলাদেশের মুসলমানদের সর্বনাশ করবার জন্য এই বিল আনা

হোয়েছে। ("Shame ! shame !" Interruptions and noise) তখন মন্ত্রীগণ আর Coalition Partyর অনেকেই তার প্রতিবাদ কোরেছিলেন এবং বোলেছিলেন বাংলার মুসলমানদের স্বার্থ রক্ষা করার জন্যই তাঁরা বিল এনেছেন। আমি তাঁদের জিজ্ঞাসা কোরতে চাই—এখানে কলিকাতায় যত মুসলমান আছেন তার ভিতর ছয় আনাই হলো ইষ্টার্ণ বেঙ্গলের। এবং দুই আনা পশ্চিম বঙ্গের লোক। আমি আজ জিজ্ঞাসা কোরতে চাই—যাঁরা এখানে মুস্‌লীম লীগের নমিনেশন পেয়ে কর্পোরেশন [illegible]র পেয়ে এসেছেন তাঁদের সংখ্যা কত? বাংঙ্গালী মাত্র দুই জন, এদের একজনও ইষ্টবেঙ্গলের নয়। যিনি আজ কর্পোরেশনের মেয়র হোয়েছেন তিনি এ দেশের কথা বোঝেন না, এদেশের ভাষা জানেন না, আচার ব্যবহার পর্য্যন্ত বোঝেন না। এমন যে লোক সে এদেশের জন-সাধারণের স্বার্থ কি কোরে দেখ্‌বে? (A member of the Proja Group : তবে কি কোরছেন?) কি কোরছেন তা কি দেখছেন না আপনারা। আজকে যাঁরা Minister হোয়েছেন, তাঁদের বাংলাদেশের অথবা বাংলার মুসলমানদের সুবিধাজনক কোন কাজ কোরতে দেখা যায় না। কেবল নিজের দেশকে পরের কাছে বিকিয়ে দিতেই তারা জানে, তার কারণ, তাদের হাড়ের সঙ্গে মজ্জা, রক্ত ও মাংসের সঙ্গে গোলামী মিলে গেছে। এরকমভাবে নিজের দেশকে বিকিয়ে দিতে তারা কখনই পারে না, যাদের কিছুমাত্র ব্যক্তিত্ব আছে, যাদের কিছুমাত্র মনুষ্যত্ব আছে, তারা তা কিছুতেই পারে না। আমি সেই জন্য ওঁদের অনুরোধ কোর্‌ছি—ভেবে চিন্তে বিল্‌টা আনুন। এ বিলটা উঠিয়ে নিয়ে ভাল রকম একটা বিল Houseএ introduce করুন যাতে কলিকাতা করপোরেশনের গলদ দূর হবে, অথচ তার কোন অধিকার খর্ব্ব হবে না।

অনেকে সুরেন্দ্রনাথ বানার্জির কথা, C. R. Dasএর কথা, J. M. Sen Gupta এবং সুভাষ বাবুর কথা বলেন। আমি বোল্‌তে চাই—কোন মুখে তাঁরা তাঁদের নাম নেন? অপবিত্র মুখে তাঁদের নাম নেওয়ার মানে—তাঁদের পবিত্র নামের গ্লানি করা। যদি সুরেন্দ্রনাথ, সি, আর, দাশ, সুভাষ বাবুকে follow কোরতে পারেন তাঁরা যে জিনিষটা চেয়েছিলেন—করপোরেশনে কোরতে—সেই জিনিষটা কোরতে চেষ্টা করেন তাহলে বুঝ্‌তাম যে আপনারা বাংলাদেশের প্রকৃত সন্তান হোয়েছেন। তা না কোরে মিছিমিছি নামের দোহাই দিয়ে লাভ নাই। এই ধরণের লোক যাঁরা তাঁদের সাবধান কোরছি,—দিনের পর দিন এই রকমভাবে বিল পাশ কোর্‌লেই চোল্‌বে না। এখানে আমরা মিউনিসিপাল বিল নিয়ে আলোচনা কোর্‌ছি,—ওদিকে, হাজার হাজার এরোপ্লেন bombard কোরে চোলে যাচ্ছে। কত শিশু মারা যাচ্ছে। কেউ বা জল জল কোরে চেঁচাচ্ছে, কেউ বা গর্ত্তের মধ্যে লুকাচ্ছে। কিসের খেয়ালে সেই যমরাজ, সেই আজ্‌রাইল্ হিট্‌লাররূপে এই ধ্বংসলীলায় প্রবৃত্ত হোয়েছে। তোমরা যে বার বার এই রকমভাবে এ দেশটাকে বিকৃত কোরছো, হিন্দু-মুসলমানের question, জাতিভেদের question শানিয়ে তুলে গণতান্ত্রিক দেশটাকে উচ্ছন্ন কোরতে চেষ্টা কোরছো সেই জন্য আজ যমরাজার দণ্ড, আজ্‌রাইলের আক্রমণে চারদিকে হাহাকার পোড়ে গেছে। তাই আমি বোল্‌তে চাই,—হয় তো এমন দিন আস্‌বে,—যারা এই বিলের স্রষ্টা, যারা বিলকে support কোরছে দুদিন পরে তাদের পরিণাম অন্যভাবে গড়ে উঠ্‌বে। ইতিহাসে

অন্যভাবে এদের নাম লেখা হবে। আমি বোল্‌ছি দেশকে আর ধ্বংস না কোরে,—আইনের নামে অধিকার খর্ব্ব না কোরে—সদ্‌ভাবে সকলের সঙ্গে বাস কোরে যাতে লোকের সুখশান্তি বাড়ানো যায় তাই করা উচিত। মুসলমানরা তো জানেন যখন জাঁ-কাল্লানী মরবার পূর্ব্বে আরম্ভ হয়। কি কোরতে হয় যখন আজ্‌রাইল্ আসে? তখন খোদার নিকট গুণা খাতা মাপ চাওয়া হয়—মাপ চাওয়া হয় লোকের কাছে। কিন্তু আজ দুনিয়ার এই প্রলয়ের সময় বাংলার মন্ত্রীমণ্ডলী কি কোরছেন? যে সময় ভারতে শান্তি প্রতিষ্ঠা করার দরকার সেই সময় তাঁরা এক একটা বিল আন্‌ছেন,—যার জন্য হিন্দু-মুসলমানের মধ্যেই নয়, সারা দেশের মধ্যে একটা অরাজকতা সৃষ্টি করার চেষ্টা কোরছেন, এবং দেশের মাঝখানে একটা হাহাকার এনে ফেল্‌ছেন। গভর্ণমেণ্ট মনে কোরছেন—এই রকমভাবে চোল্লেই বুঝি আমরা টিকে থাক্‌বো। আমি বোলছি—মোটেই নয়। বরং এর ফলে দেশ উৎসন্ন যাবে! আজ আইনের নামে সব বেআইন করা হোচ্চে, বহুদিন ধোরে বহু ত্যাগ স্বীকার কোরে বহু রক্ত দান কোরে যা কিছু আদায় করা হোয়েছে সেটাকে বিক্রী করার জন্য চেষ্টা হচ্ছে। যাদের কাছ থেকে কেড়ে আনা হোয়েছিলো তাদেরি কাছে বিকিয়ে দেবার জন্য যে চেষ্টা হোচ্চে এ কি রকম কাজ, একে বিশ্বাস-ঘাতকতা ছাড়া আর কিছুই বলা চলে না।

আজকে হিট্‌লারের সঙ্গে মিলে গেলেই তো হোতো! তা না কোরে সর্ব্বস্ব পণ কোরে আজ ইংরেজ হিট্‌লারের সঙ্গে যুদ্ধ কোরছে কেন? হিট্‌লারের কাছে মাথা নত কোরলেই তো হোতো। কিন্তু তা না কোরে—নিজেদের স্বাধীনতার জন্য লড়াই কোরছে। তারা বোল্‌ছে—তাদের স্বাধীনতার জন্য, সাম্রাজ্যকে রক্ষা করার জন্য এবং গরীব দুঃখীর দুঃখ দূর করার জন্য তারা লোড়ছে। তাই যদি হোতো তাহলে যে গভর্ণমেণ্ট গণতন্ত্র চাইছে, স্বাধীনতা চাইছে—সে গভর্ণমেণ্ট আবার কল্‌কাতার মতন জায়গায়—(At this stage the member having reached his time limit asked for a few minutes more and was allowed to finish within two minutes.)

এ বিল আনছে কেন? আমার আর time নাই, এখন নামাজের সময় হোয়ে এসেছে। শেষকালে আমি এই কথা বোলছি—নামাজ পোড়তে যাবেন খোদার নাম কোরতে ওজু কোরে.....(A member of the Coalition Party: আপনার তো আর নামাজ নেই?) আমার নামাজ আছে, কি না আছে নামাজ আমি পড়ি কি না, যদি দেখ্‌তে চান তবে আমার সঙ্গে একদিন অন্ততঃ বাস কোরতে হবে। আমি বেইমানি নামাজ পড়ি না, নামাজে বোসে অন্যের সর্ব্বনাশের কথা ভাবি না, আমি সত্যিকারের নামাজের জন্য প্রস্তুত—

Mr. SPEAKER: Mr. Zaman, will you please sit down?

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Maulvi ABDUL LATIF BISWAS: Mr. Speaker, Sir, I rise to support the motion of the Hon'ble Minister in charge of Local Self-Government, Bengal, for referring the Calcutta Municipal (Amendment) Bill to the Select Committee. This Bill has been the subject of strong denunciation and merciless criticism by the Opposition both here on the floor of the Assembly and outside. The main cry which has been raised against the Bill is this, that the Bill is aiming at crippling the power, the freedom and the autonomy of the Calcutta Corporation. Another charge levelled against the Bill is that the Bill is communal and reactionary in outlook. Sir, nowadays we are living in the days of protests and denunciations and it has been the fashion with the Opposition and the Caste Hindus of Bengal to describe every action of the present Government to be communal and reactionary. They find a very unpalatable taste in every measure brought by the present Government. They find in every move of the Government something subversive of their freedom and destructive of their culture and civilization.

Sir, in this Bill I do not find anything and nobody can say that there is anything which can be said to have been actuated by the communal outlook of the present Government and to give some special favour to the Muslim community. There is not a single measure in the Bill which can be dubbed as communal. Now let us examine the other aspects. But, Sir, I am not unconscious of the fact that there are measures in the proposed Bill which are going to curtail the unbridled power of the Corporation which has been managed till very recently by some political party to the advantage of the party concerned. But before levelling the charge against the Government that they are going to cripple the freedom of the Corporation in this Bill, all should at the outset consider that no Government are justified in allowing licence in the name of freedom and liberty. If any self-governing institution in the name of self-government abuses its power and carries on the administration to give benefit to a particular political party to the detriment of others, the Government who are responsible for the good administration of the country with even-handed justice must cry a halt and the Government must see that the misuse and abuse of power is stopped. Now let us consider, Sir, whether the proposed Bill is a necessity or not. We all know that the autonomous Calcutta Corporation ruled by a political party have not been reputed for the good civic administration of Calcutta and they have carried on the administration for the benefit and advantage of that particular party. There is no denying the fact that abuses and corruptions crept into the administration of the Calcutta Corporation to a lamentable and scandalous extent.

Sir, before dealing with the provisions of the Bill I like to refer to the charges brought forward yesterday on the floor of the House against the present Government of Bengal by my friend Mr. Syed Jalaluddin Hashemy whose entry as a member into the Corporation of Calcutta boycotted by the Muslims of Bengal, through his alliance with the Congress, is evergreen in the memory of Muslim Bengal. My friend Mr. Hashemy, though he did not dare to deny the charges of corruption, nepotism and favouritism against the Corporation of Calcutta, tried to justify the opposition to the Bill on the allegations that the Government are equally guilty of the same charge and as such they have no right to curtail the autonomy of the Calcutta Corporation for those abuses. Sir, we the members on this side of this House strongly and emphatically protest against the unfounded allegations made by my friend against the Government. I am also pained to find some hint like that in the maiden speech of Mrs. Sen Gupta. I confess that I do not find any logic in the argument of my friends Mr. Hashemy and Mrs. Sen Gupta. To justify one wrong on the analogy of another is the worst type of advocacy, and it indicates the incohesive and incongruous way of thinking by such advocates. Now assuming but not admitting that the allegations made by Mr. Hashemy exist, may I not remind him that the Constitution has given him the power to remedy the evils? If they genuinely feel that the ministry is guilty of the charges they have levelled against it, the only honourable course for them would be to bring a motion of no confidence against the ministry. If their allegations are not imaginary and I strongly hold, Sir, they are imaginary, the House will undoubtedly accept it. But their not bringing such motion clearly and unmistakably proves that they are unnecessarily and without any justification whatsoever throwing mud against the present Government!

Now, Sir, let us come to the provisions of the Bill. I may remind the House that when a part of the body is suffering very seriously from septic wound exigencies many a time require the amputation of that part. Likewise the past experiences of the civic administration of Calcutta under the present Act have convinced the Government that for the good administration of the Calcutta Corporation power of amputation should be given to the Government to be exercised in very exceptional circumstances.

Sir, the most important measure in the Bill sought to be introduced into the administration of the Calcutta Corporation is the establishment of a Service Commission to be entrusted with the duties of selection for candidates for the appointments under the Corporation and also giving opinion regarding the disciplinary measures proposed to be taken against the officers of the Corporation. Sir, a cry has been raised that an autonomous body like the Corporation of Calcutta is going to be

deprived of its rights in the matter of selection of candidates for appointment. Sir, the justification or otherwise of the step is to be found in the past action of the Corporation so far as the matter of the appointment is concerned. Sir, till very recently the Corporation has been under the control and power of the Congress Party who by their action has justified the proposed establishment of the Service Commission. It is a common knowledge that the appointments under the Calcutta Corporation were the monopoly of a set of people having the political complexion of being the Congressmen. Many a time candidates with different complexion but having better qualifications and attainments have to go away disappointed from the red building situated near the Municipal Market to make place for candidates for appointments with less qualifications and attainments belonging to the party in power in the Calcutta Corporation. Sir, I may refer here how the Muslims in the matter of appointments in the Corporation have been shabbily treated. Of course, that is not all. The candidates to secure appointments must be either relations of some members of the party in power or must have affiliation to them. I think it will not be an exaggeration if I say that nepotism and favouritism in the matter of appointments were the rules and absence of them were the exceptions. It may be urged that Congress will not be in power always and for all the time to come. But that does not displace the logic in favour of the establishment of the Service Commission. Who can say that party which will take the power in hand from the party ruling it will not abuse that power in the matter of appointments? In the circumstances, the Service Commission is the only remedy. I may remind my friends opposite that they have waxed eloquent in favour of the Public Service Commission in the matter of appointments under the Provincial Government and their advocacy holds good and quite in fitness in the matter of appointments under the Corporation of Calcutta.

So, Sir, in order to drive away corruption, nepotism, and favouritism from the field of appointments, the Service Commission is the only crying need and the only panacea. Sir, another point from which the Bill is attacked is the provision for the suppression of a department of the Corporation by a person to be appointed by the Government if in the opinion of the Government the Corporation have in respect of such department shown their incompetence to perform or persistently made default in the performances of the duties imposed. Sir, no doubt it appears that the Government is making provision for the drastic action against an autonomous body like the Calcutta Corporation. But we must not forget that the Government are ultimately responsible for the good of the people under their charge and if the Corporation utterly fail to discharge their duties in some branch of the civic administration and the interests of citizens are jeopardised, the Government of the province are bound to protect the interests of these citizens. The

provision is aimed at such mismanagement and incompetence and unless and until the Corporation are guilty of the utter incompetence there is no apprehension for the use of this power by the Government. This power is a check against the wanton way of managing the civic affairs according to the whims and caprices of the Corporation. We have seen such maladministration by the Corporation of Calcutta, and we have had the report of the Special Committee appointed in the month of April which in very strong terms deprecated the action of the Corporation so far as the rights of the labour staff were concerned. If for the callousness of the city fathers and their utterly incompetent administration of any department, people suffer materially, will not the impartial observers of the things accuse the Government of their apathy if the Government do not take proper and sufficient steps to remove the chaotic conditions? To meet exigencies like this, this provision is going to be made in the Bill, and it is meant for a check against such future happenings. Sir, provision has been made in the Bill for the dissolution of the Corporation when the Corporation are guilty of incompetence or negligence to perform its duties, and reconstitution thereof. This provision also is a check against the callousness on the part of the Corporation to do their duties. But, Sir, the Government cannot dissolve the Corporation at their sweet will. They must state the reasons with the notification for dissolution published in the *Calcutta Gazette* and their reasons must be in conformity with the provision of the section. Sir, a provision like this is already in existence in the Bengal Municipal Act, 1932. If the Corporation do their duty efficiently and they are not guilty of incompetence or persistent neglect of duties, no question can arise as to the dissolution, but if the Corporation is guilty of incompetence and if they persistently make default in the performance of their duties, no responsible and reasonable man can argue that the civic administration of a big city like the second city of the British Empire will remain in the hands of an incompetent body and new blood should not come in their place. Protests have also been made for depriving the Corporation of their right in choosing their own Chief Executive Officer. Sir, I feel that at the first sight it appears that there is some force in the contention, but during these years those who keep some information about the Corporation of Calcutta have seen that the Executive Officer has not been free enough to exercise his best considered judgment and discretion in the best interest of the city. To bring the Chief Executive Officer above the squabbles and influence of party politics and to utilise his service for the interests of the ratepayers and citizens provision has been made in the Bill. It may be said, Sir, that unfettered as he is going to be made, the Chief Executive Officer may conduct himself in the discharge of his duties in a way quite unworthy of his position and unbecoming of the great responsibility he is entrusted with. But the remedy has been provided in the same section. In a case like this he is removable from his office on the votes of two-thirds of the Councillors and Aldermen for his removal.

Sir, now a few words regarding the power of the Provincial Government to annul or suspend proceedings of the Corporation or any committee or sub-committee. By the existing provision the Government may annul a proceeding of Corporation which is not in conformity with law and rules and by-laws.

The amendment authorises the Government to annul not only the proceedings of the Corporation, but also the proceedings of any standing committee or sub-committee or of any special committee when such proceeding is not in conformity with law or the rules or by-laws. The principle upon which the power is extended is the same. The amendment by which the power has been given to the Government to suspend any resolution of the Corporation or any standing committee or special committee or sub-committee which in the opinion of the Government is likely to lead to a serious breach of the peace——

(At this stage the member reached the time-limit and wanted two minutes to finish his speech.)

Mr. SPEAKER: I am very sorry I cannot give you any more time. Besides, I cannot understand why you should not be able to finish your speech within the time. I cannot also understand why you should write out a speech which cannot be read out in 15 minutes.

Maulvi ABDUL LATIF BISWAS: All right, Sir. I will then finish this sentence only. I do not like to take up the valuable time of the House any more, but I would like only to say this, that under the circumstances the Bill is a measure which should be supported. With these words I support the motion of the Hon'ble Minister to refer the Bill to a Select Committee.

Mr. F. J. MARINDIN: Mr. Speaker, at this stage it is not necessary to discuss the details of the Government's Bill, and I will therefore merely state on broad lines why my party support the Government's motion for reference to a Select Committee. In theory it must be conceded that to encroach upon the powers of an autonomous body such as the Calcutta Corporation is a retrograde step. But the state of the Calcutta Corporation is such that its best friends should welcome this Bill as an effort to restart municipal self-government in Calcutta on proper lines along which an efficient self-governing administration might be built up. I do not deny for a moment that the Calcutta Corporation in some directions has done good work. I believe however that a great deal more could be done if these reforms affecting the administration of the Corporation were put into effect.

Sir, I have had some experience of the Calcutta Municipality having been a Councillor and served on the Buildings Committee and on the Services Committee. When I entered the Corporation I was full of optimism, but in the two years which I served on that body I only experienced disillusionment. My first year was spent in the Buildings Committee. So grotesque was the work of that committee that I considered it necessary to recommend to the European Group in the Corporation that no European should serve on it. This was adopted for some time, but once again members of the European Group are, I believe, endeavouring to work on the Buildings Committee to bring some semblance of reason and order into its deliberations. My experience in the Services Committee showed me that it is not necessarily the best men who obtained the job, and that it is of paramount importance for an applicant to obtain the support of individual Councillors or of Parties. I am convinced, Sir, that the municipal administration of this city is centred on personal and party interests and that so long as this state of affairs continues, the efficiency of the executive is bound progressively to deteriorate. It is impossible for the heads of the executive to serve 90 or more masters who time and again make their displeasure felt by interfering with routine duties by curtailing authority and by taking a personal interest in individuals amongst the subordinate staff, the sole reason for which would appear to be that such individuals are their proteges. Sir, I may be wrong in my opinion that self-interest governs the actions of many Councillors, but I am convinced that I am not wrong in my belief that the administration of the Calcutta Corporation would be vastly improved if the executive was insulated from the influence of the Councillors so that they might carry on their duties without interference and put into effect the decisions of the Corporation without having to consider how their actions will affect their future employment in the Corporation. I have given thus far my opinion based on personal experience and would now turn to the Bill itself and indicate where the European Party can wholeheartedly support the Bill and where in our opinion further steps should be taken to improve matters and where we cannot support the Bill.

Sir, from a perusal of the Statement of Objects and Reasons of the Bill it appears that the Bill has three main objects:—

(1) To remove the Chief Executive Officer from the sphere and influence of individual Councillors.

(2) To provide that appointments to higher posts shall not be made except on the recommendation of a Service Commission, and in view of the maladministration and inefficiency of the Corporation as a whole and of certain departments of it in particular; to assume to the Provincial Government larger powers of control and to impose further safeguards against abuses.

Subsidiary objects are—

To lower the franchise in certain respects so as to allow the poorer sections of the community to vote in Corporation elections and to remove certain working difficulties in the Act which experience has brought to light.

We appreciate that the Bill involves a substantial limitation of the powers of the Corporation and though in the ordinary course we would deprecate interference with an efficient autonomous body, we agree that the administration of the Calcutta Corporation has been so far from satisfactory as to justify the measure now proposed.

The existing state of affairs is due largely to interference by individual Councillors with the executive side of the Corporation to party and personal considerations which have entered into questions of appointments and to the frequent occurrence of maladministration and abuses in various Corporation Departments.

We accordingly support in principle the three steps now proposed to remedy this position, namely, the removal of the Chief Executive Officer from the sphere of influence of individual Councillors and Aldermen of the Corporation; the setting up of a Service Commission to fill higher posts in the Corporation; and the assumption of larger powers of control in cases of default or abuse of the powers of the Corporation.

We are opposed to the extension of the franchise on practical grounds. In our opinion, the admission as electors of a large number of illiterate voters will greatly impede the attainment of the declared object of reforming the administration of the Corporation.

It must be known to the Government that not only are the Corporation Electoral Rolls made up in a highly inefficient manner, but also they are defective. It must also be known to Government that impersonation at election times can be indulged in with impunity and it is our belief that these existing malpractices will be considerably increased as a result of the substantial extension of the franchise proposed by the Bill.

I accordingly recommend most strongly that clause 7 of the Bill should be deleted and that the question of extension of the franchise should be considered separately from the present Bill after steps have been taken to scrutinise and radically amend the election rules to ensure that all existing voters entitled to vote are on the roll and falsification of the rolls is ruled out of the realms of possibility and that impersonation is made impossible.

Clauses 43 and 44 relate to matters pertaining to the Building Rules.

It must be known to Government that the existing provisions of the Act relating to building rules and existing building rules themselves have, in application, given rise to most serious condemnation from many quarters.

The Building Rules themselves are out of date and require revision and the whole system of sanctioning building plans requires investigation and revision. Piecemeal alterations such as are proposed by this Bill are of doubtful value, and I suggest therefore that the Building Rules and administration of the Building Rules should form the subject of a special investigation by Government with a view to their entire revision and that a separate amending Bill dealing solely with this matter should be introduced by Government as soon as the enquiry is completed.

In conclusion, I would say that we do not believe that the rights, interests and prerogatives of the Hindu majority of this city are in any way endangered by this Bill. We believe that Government have introduced this Bill in an earnest endeavour to save the Calcutta Corporation from self-destruction, and that the provisions of the Bill will enable the Corporation executives to administer the services of the Corporation to the best benefit of its citizens.

I would remind the House that year in and year out there has been perpetual criticism of the administration of the Corporation—criticisms from all sides—and in order to refresh the memories of members who oppose this Bill, I would refer in particular to a letter written by Mr. Subhas Chandra Bose from, I believe, Dalhousie, in August, 1937, in which he said:—

"If I have anything to do with Bengal politics the Augean stables of the Calcutta Corporation will have to be swept clean, or in the alternative, the Congress Party will have to wash its hands of any responsibility for what the Calcutta Corporation does."

That letter was written in 1937 and since that time the leader of the Forward Bloc has been an Alderman of the Corporation. I may be wrong, but it does not appear to me that Alderman Subhas Chandra Bose has succeeded in his task.

Babu SHYAMA PROSAD BARMAN: Mr. Speaker, Sir, I rise to support the motion for circulation moved by my honourable friend Mr. Satya Priya Banerjee. The Bill under consideration may rightly be called the butcher's knife, with which the Hon'ble Ministers are going to kill and slaughter the Corporation of Calcutta and distribute the loaves and fishes of office to their supporters and hangers-on.

Dr. NALINAKSHA SANYAL: Sir, is it parliamentary to call the Minister a butcher?

Mr. SPEAKER: I do not know for what you have become a great supporter of the Ministry?

Dr. NALINAKSHA SANYAL: I am very much pained to hear it, Sir.

Babu SHYAMA PROSAD BARMAN: The popular Ministers want by this Bill to deal a death blow to the very foundation of the self-governing institution of the province.

By the first Calcutta Municipal Act of 1939, the Hon'ble Ministers have already crippled the Corporation by introducing the system of separate electorates in it and by redistributing the seats in such a way as to reduce the majority community, having 75 per cent. of the population of the city, into a state of minority by artificial means. Now they have placed this Bill in the Legislative anvil in order to forge a finer and sharper weapon with which to cut the throat of the Corporation, one of the premier self-governing institutions of India.

The Bill is a retrograde measure. In every civilised country the tendency of the Legislature has always been to look forward, to give powers, more powers, to the self-governing bodies with no, or the least, interference by the Government with the working of these bodies. And nowhere do we find a going back from the progress that has been made. But if this Bill is passed into law, it will certainly put back the hand of progress. The Hon'ble Minister himself frankly confesses that the Bill is a retrograde measure not quite in harmony with progressive and democratic ideas of local self-government. He justifies this measure on the plea of jobbery, nepotism and corruption that prevail in the Corporation. But may I ask him: Are there no jobbery, favouritism and corruption in the administration of the Government of the province? Are there no jobbery and nepotism, in the very department of which the Hon'ble Minister is in charge? May I remind him how ignoring the claims of the educationally qualified persons, both Muslims and Hindus, the Ministers appoint Matriculates who happen to possess the extraneous qualification of being related and connected with the M. L. A's. belonging to the Coalition Party? I may cite many instances where the appointments to responsible posts under the various departments of the Government are often made on personal and party consideration. Matriculates have been appointed as Sub-Registrars superseding the legitimate claims of many qualified Muslim graduates only on the party consideration! There is the Public Service Commission of the Government for the selection of candidates for posts under the Government. But I may cite many instances where the Hon'ble Ministers have made appointments flouting the recommendations of the Public Service Commission. If I may dilate upon the question of appointments under the Government the

charges of nepotism, jobbery and corruption against the Government are graver and more serious than those of the Corporation. The acts of jobbery, nepotism and undue discrimination are rampant in every department of the Government. The Hon'ble Minister in charge of this Bill has mentioned in the Statement of Objects and Reasons that one of the reasons for introducing this Bill is that the political views of the party in power in the department have very largely influenced the day-to-day administration of the Corporation with the result that the efficiency of the administration has been impaired. And on this ground the Hon'ble Minister wants to amend the municipal law in such a way as to rob the Corporation of its independence and autonomy. It is very strange and queer logic indeed! In any democratic institution of the world, the majority party is the party in power and the day-to-day administration of the institution is carried on under the guidance and direction of the party in power and is, to some extent, influenced by the party in power. And so long as it functions to the best interest of the people, it is all right. But it is no ground for withholding or curtailing the power of that institution. Bengal has got Provincial Autonomy by the Government of India Act, 1935, and the Muslim League Party is in power now in this province. We have seen that the administration of the province has greatly been influenced by the political views of the party in power inasmuch as the minority community in the province apprehends that it is in danger of being crushed. And, Sir, the Ministers have committed such actions which the author of the Government of India Act can hardly approve of. But may I ask the Hon'ble Minister: Is that the ground for which the Provincial Autonomy can be withdrawn from Bengal and that Bengal should be administered by civilians as it was done some 50 years back?

Frequent interference with the executive has been made another ground for curtailing the powers of the Corporation. With that end in view the Hon'ble Minister has considered it desirable to make provision in the Bill for the appointment as executive officer of the Corporation by Government a Government officer, an officer of the Indian Civil Service or the Bengal Civil Service. A tried servant of the Crown will be appointed as Chief Executive Officer of the Corporation and he will be in a position, so the Hon'ble Minister fondly hopes, to discharge his duties without undue interference by the representatives of the rate-payers of the Calcutta Corporation. But, Sir, may I ask him: Will that officer be free from undue interference by the party in power, I mean the Ministers and their supporters and the Coalition Party, at whose sufferance and sweet will the officer will hold his office? If any representative body is to function properly and independently and if it is to be held responsible to the people for its good or bad administration, then it is very meet and proper that it must have the authority to appoint and dismiss its officers through whom it will work, and

this is one of the most important valuable rights of public bodies, but the popular ministry is going to rob the Calcutta Corporation of that valuable right and thus to deprive it of its autonomous character. Thus the ministry wants to turn the Calcutta Corporation into a subordinate department of the Government. The Bill thrusts on the Corporation a Service Commission in the selection of the personnel of which the Corporation is not to have any voice. Thus the Chief Executive Officer and almost all the officers of the Corporation of certain grades are to be appointed either by the Government or by the Service Commission which will be appointed by the Government.

The Bill invests Government with dictatorial authority which empowers the Government to annul the proceedings of the Corporation or any committee or sub-committee and to suspend certain resolutions of the Corporation, any committee or sub-committee thereof. The Bill further confers the power on the Government to supersede a department of the Corporation, to dissolve a body of Councillors and Aldermen and this is wholly unwarranted and unjustifiable. This provision of the Bill means that the representatives of the rate-payers of the Corporation, however honestly and satisfactorily they may work in the Corporation, will have to work in the constant fear of being removed from the office at the sweet will of the Government who will sit in judgment over their action. Can any man having a bit of self-respect and independence work as a Councillor of the Calcutta Corporation under this humiliating condition? Since the Calcutta Municipal Act of 1923, the Calcutta Corporation is working very efficiently and to the best interest of the citizens of the great metropolis of Calcutta, and it has made great improvements in many directions. But our Hon'ble Minister after so many years have found that the Calcutta Corporation is not working well; so the necessity of this Bill. But to my mind the Hon'ble Ministers in framing the Bill are actuated by the fact that the Calcutta Corporation is not at the beck and call of the Ministers and that it provides a vast field for the loaves and fishes of office. So they want to wrest all the powers from the Corporation, from the Mayor, the Deputy Mayor and the Councillors and take them in their own hands. The loaves and fishes of office at the disposal of the Government are going to be exhausted, and the Government by taking all the power in their hands want to open fresh avenues for the supporters of the ministry.

With these words, Sir, I support the motion for circulation.

Mr. RASIK LAL BISWAS: সভাপতি মহাশয়, আমি এই বিল Select কমিটিতে দেওয়ার প্রস্তাবটি সমর্থন কোরছি। (Mr. MONOMOHAN DAS: তাহ'লে আপনার nomination হবেই।) এ বিলটি পরিষদে যেভাবে এসেছে তার জন্য Hon'ble Minister নবাব বাহাদুরকে আমি congratulate কোরছি। আমার

congratulationএর আরও বিশেষ কারণ এই যে, এ বিলটাতে communalismএর গন্ধ আছে এবং communalismএর রাস্তা আছে। Communalismএর আভাষ না থাকলে আমি congratulate করতাম না। আমি নিজে communal, সুতরাং communalismএর গন্ধ পেলে আমার আনন্দ হয়। যে সকল বিল communal characterএর সেগুলি আমি চোখ বুজে সমর্থণ কোরতে পারি। আর যেগুলিতে communal ভাব নাই সেগুলি সম্বন্ধে অনেক কিছু ভেবে দেখতে হয়। আমি যখন কংগ্রেস দলে ছিলাম তখন সেখানে আমার কাজকর্ম্মের বড় অসুবিধা হোত, কারণ কংগ্রেসের বন্ধুরা communal নন। এদিকে Coalition পক্ষে এসে আমার কাজের বেশ সুবিধা হয়েছে কারণ এদলের বন্ধুদের অধিকাংশের মধ্যেই বেশ communal feeling আছে। আমার সঙ্গে বেশ মিল হয়। কাজেই আমার Oppositionএর বন্ধুগণ যে communal ভাব দেখলে বিরক্ত হন, আতঙ্কিত হন তাহা আমি অনুভব করি। যাঁরা এই বিলের বিরুদ্ধে, তাঁরা কোন দিন communal নন, কেউ কোন দিন তা' হ'তেও চেষ্টা করেন নি। মাঝে মাঝে কেউ কেউ communal ভাব দেখান বা communal কথা বলেন বটে কিন্তু এভাব তাঁদের সত্যিকারের ভাব নয়। উঁহারা সাময়িকভাবে কোন উদ্দেশ্যে communal সাজেন মাত্র। উঁহাদের শিক্ষা, সংস্কার, ইতিহাস, পারিবারিক আবহাওয়া, কার্য্যকলাপ, ব্যবহারিক জীবন সকলই communal হওয়ার বিপক্ষে কাজেই তাঁরা কি কোরে জানবেন বা বুঝবেন যে communalism কি, এতে মহত্ব, মাধুর্য্য ও শ্রেষ্ঠত্ব কি আছে। Communal হতে হলে কি কি শিক্ষা, সাধনা ও ত্যাগ দরকার হয় তা' ওঁরা কি কোরে জানবেন?

কি যাতনা বিষে বুঝিবে সে কিসে
কভু আশীবিষে দংশেনি যারে?

যাঁরা communal তাঁরা তাঁদের communityকে ভালবাসেন, communityর প্রত্যেককে ভালবাসেন। ধনী, দরিদ্র, শিক্ষিত-অশিক্ষিত, ছোট-বড় নির্বিশেষে সকলকেই তাঁরা ভালবাসেন। Communityর সকলের দুঃখ, অভাব, অভিযোগ তাঁরা জানেন বোঝেন এবং তার প্রতিকারের কথা তাঁরা ভাবেন। তাঁরা প্রয়োজন হ'লে নিজেদের যথাসর্ব্বস্ব দিয়ে, এমন কি প্রাণ দিয়েও communityকে রক্ষা করেন বা তার মঙ্গলের জন্য উৎসর্গ কোরতে পারেন। তাঁরা কোন বিষয়ের কদর্থ কোরে নিজেদের মানসিক দুর্ব্বলতা বা স্বার্থপরতাকে গোপন কোরতে প্রয়াস পান না, তাঁরা যা করেন, প্রকাশ্যে করেন, ঢাক্ ঢাক্ গুড় গুড় নাই। সোজা কথা বলবার এবং সোজা কাজ কোরবার সাহস তাঁদের আছে তাঁরা community অর্থে নিজেদের পরিবার বা তৎসহ আত্মীয়স্বজন পর্য্যন্তই বোঝেন না। তাঁরা তাঁদের সম্প্রদায়ের সকলকেই বোঝেন এবং তাঁদের উন্নতি সাধনকে নিজের ধর্ম্মকার্য্য ব'লেই মনে করেন। আমি এরূপ communal লোকদের শ্রদ্ধা করি, ভক্তি করি। আমি so-called nationalistদের বিশেষতঃ তাঁদের leaderদের আশীর্ব্বাদ করি তাঁরা যেন মনে, প্রাণে, কার্য্যে communal হন। আশীর্ব্বাদ করি—কবির ভাষায় অনুকরণে—এবার তোরা communal হ'।

I bow down before the Englishmen there, because they are communal. See in England how they are sacrificing everything for the defence and maintenance of the glory of their own community. I bow down my head before the Muslims because they are communal. They are doing everything in their power to raise and glorify their community, and the so-called nationalists and the oppositionists of this Bill—they are quarrelling over their personal gain or loss.

যাঁরা দাবী করেন যে, তাঁরা nationalist, আমরা জানি যে তাঁরা আদৌ nationalist নন। Nationalism ও communalismএর মধ্যে পার্থক্য কম। স্থান বিশেষে nationalism communalismএর চেয়ে wider, স্থান বিশেষে co-extensive এবং বহুস্থলেই communalism nationalismএর চেয়েও wider. আমার ওদিককার এবং এদিককার কয়েকজন বড় লোক বন্ধু তাঁরা nationalist ও non-communalist ত' নহেনই। তাঁরা personalists, বড় জোর ২।১ জন আছেন তাঁরা sectarian বা clannish communalist তা না হ'লে nationalist হওয়া যায় না। যাঁরা নিজ সম্প্রদায়ের সকলকে ভাল বলতে এবং তাদের জন্য প্রয়োজনীয় sacrifice করতে পারেন না, তাঁরা দেশমাতৃকার সকল সন্তানকে ভালবাসবেন এবং তাদের জন্য যথাসর্বস্ব sacrifice করবেন তা অসম্ভব। So-called nationalistদের কার্য্যকলাপ অনুসন্ধান করুন, দেখবেন তা'তে personalism ভরা। হিন্দু যদি communal না হয়ে personalই থেকে যায়, মুসলমানগণ সেজন্য তাদের সম্প্রদায়কে ভালবাসবেন না বা তাকে উন্নত করতে সর্ব্বপ্রকার চেষ্টা করবেন না, এ হতেই পারে না। মুসলমানগণ তাঁদের সম্প্রদায়ের জন্য তাঁদের হৃদয় উন্মুক্ত ক'রে দিয়েছেন। তাঁরা তাঁদের সম্প্রদায়ের উন্নতি কোরতে গিয়ে দেখতে পাবেন যে, অপর সকল সম্প্রদায়কে বাদ দিয়ে তা' চলে না। কাজেই সকলের উন্নতির চেষ্টাই তাঁদের দিয়ে হবে। আর আমার so-called nationalist হিন্দু ভাইরা হিন্দুদেরও সকলের উন্নতিও সহ্য করতে পারেন নি। এখনও পারছেন না। যাঁরা Bengal Agricultural Debtors Act, Money-lenders Act, Primary Education Act এবং Bengal Tenancy (Amendment) Actকে সাম্প্রদায়িক বলে অভিহিত করতে পারেন তাঁরা যে কি তা' বুঝতে কারুরি বিলম্ব হয়না। তাঁরা Corporationকে একটা family propertyতে পরিণত করেছিলেন এবং সেভাবেই তাকে রাখতে চেয়েছিলেন, তাঁদের সেই vested interest থেকে divested হওয়ার ভয়ে যে আর্ত্তনাদ তা' আমরা শুনলেও তাতে আমাদের কোন সহানুভূতি নেই।

আর আমি আশা করি আজ যারা সিলেক্ট কমিটিতে যেতে অস্বীকার কোরছেন—তারা Sir Surendra Nath Banerjee যেমন ম্যাকেঞ্জি Actএর বিরোধিতা কোরে করপোরেশন থেকে বেরিয়ে এসেছিলেন এবং সম্মানজনক আইন পাশ না করা পর্য্যন্ত সেখানে আর ঢোকেন নাই, তাঁরাও তেমিভাবে করপোরেশন থেকে বেরিয়ে আসবেন। (Mr. ATUL CHANDRA KUMAR: তাহোলেই আপনারা যেতে পারেন।)

Mr. GIASUDDIN AHMED: Mr. Speaker, Sir, কলিকাতা Municipal (Amendment) Bill সম্বন্ধে বলতে গেলে,—প্রথমেই প্রশ্ন আসে আইন কানুন প্রণয়ন বা সেইগুলি বদলাবার প্রয়োজনতা কি। এবং এই প্রশ্নের উত্তরে আমার মনে হয়, প্রত্যেকেই স্বীকার করবেন, জনসাধারণের মঙ্গলের জন্যই আইন কানুন হয়ে থাকে, এবং জনসাধারণের সুবিধার জন্য সেই আইনের সংশোধন মাঝে মাঝে প্রয়োজন হয়। গত ১৬ বৎসর পূর্ব্বে, ১৯২৩ সালে যখন স্যার সুরেন্দ্রনাথ ব্যানার্জি এই Corporation Act সংশোধন করেছিলেন তার মূলে ছিল জনসাধারণের কল্যাণ ও মঙ্গল। সেই জনসাধারণের কল্যাণ এবং মঙ্গল সাধনের বিধান এবং তাহাদের হাতে যে অধিকতর ক্ষমতা দেওয়া হয়েছিল, তার সুযোগ গ্রহণ করে দেশবন্ধু চিত্তরঞ্জন দাশ কলিকাতা নাগরিকের প্রভূত উপকার সাধন করতে পেরেছিলেন, এ কথা কেহ অস্বীকার করতে পারেন না। আমি জিজ্ঞাসা করি—বর্ত্তমান Amendment Billএর পিছনে জনসাধারণের উদ্দেশ্যে কোন প্রকার মাঙ্গলিক পরিকল্পনা আছে কি না, আমি জিজ্ঞাসা করতে চাই কলিকাতা Corporationএর অধীনস্থ বস্তি অঞ্চলে যারা বাস করে তাদের সুখ-সুবিধার জন্য কোন পরিকল্পনা এই Billএ আছে কি না, আমি জিজ্ঞাসা করি কলিকাতায় যে সব ভেজাল খাদ্য দ্রব্য চলছে এবং যার জন্য নানা প্রকার রোগের উৎপত্তি হচ্ছে তা দূর করবার জন্য কোন পরিকল্পনা আছে কি না? সর্ব্ব শেষে আমি জিজ্ঞাসা করতে চাই—এই Billএর পিছনে কলিকাতার লোকের সুবিধা বা উপকারের জন্য কোন পরিকল্পনা বিদ্যমান আছে কি না? (A VOICE FROM COALITION BENCHES: আছে, আছে।)

এই Billএর উদ্দেশ্যের ভিতর একটা কথা বলা হয়েছে—Statement of Objects and Reasons পড়লে দেখা যায় যেহেতু কলিকাতা Corporation কোন রাজনৈতিক দল বিশেষের দ্বারা পরিচালিত হয়, সেই হেতু কলিকাতা Corporationএ অনেক গলদ আছে, সুতরাং, এর ক্ষমতা কেড়ে নিয়ে, Governmentএর হাতে তুলে দিতে হবে। আমি এখানে বলতে চাই—বর্ত্তমান গণতান্ত্রিক যুগে যারা political parties বা রাজনৈতিক দল বিশেষের দ্বারা পরিচালিত হতে চান না তাদের একমাত্র উচিৎ হবে রাজনৈতিক ক্ষেত্র হইতে যত শীঘ্র সম্ভব সরে পড়া। বর্ত্তমান গণতান্ত্রিক যুগে পৃথিবীর যেখানে political party শক্ত হয়ে গড়ে উঠছে, সেখানেই প্রকৃত গণতন্ত্রমূলক রাজনীতি ভালভাবে চলেছে। আজকে বাংলাদেশে আমাদের সবেমাত্র গণতান্ত্রীক যুগ আরম্ভ হয়েছে এবং কতক কতক political party গড়ে উঠছে। আজকে সেই [illegible] দলকে যদি পিসে মারা হয় তা হ'লে আমি বলতে চাই এখানে অত্যন্ত অদূরদর্শীতার পরিচয় দেওয়া হবে। শুধু তাই নয় নিজেদের ক্ষমতার ও অযোগ্যতার পরিচয় দেওয়া হবে। এখানে Corporationএর Councillorদের হাতে থেকে সমস্ত ক্ষমতা কেড়ে নিয়ে Governmentএর হাতে দেবার প্রস্তাব হয়েছে। আমি জিজ্ঞাসা করি বর্ত্তমান Government বলতে কাদের বোঝায়? বর্ত্তমান Government বলতে আমি বিশ্বাস করি, সকলে স্বীকার করবেন—জনসাধারণের প্রতিনিধির দ্বারা গঠিত যে মন্ত্রীমণ্ডল সেই

মন্ত্রীমণ্ডলী Government চালায়, এবং জনসাধারণের প্রতিনিধির দ্বারা Government পরিচালিত হয়, এবং তারাই প্রকৃত Government সুতরাং, সঙ্গে সঙ্গে প্রশ্ন উঠে যে জনসাধারণের প্রতিনিধির দ্বারা রচিত Government যদি ভালভাবে পরিচালিত হতে পারে তাহলে কলিকাতার জনসাধারণের প্রতিনিধি Councillorদের দ্বারা Corporation কেন ভাল ভাবে পরিচালিত হতে পারবে না। জনসাধারণের প্রতিনিধি যাঁরা Government চালান তাঁরা যদি সাধু হতে পারেন, তাহলে কলিকাতার জনসাধারণের প্রতিনিধি Councillorগণ কেন সাধু হতে পারবেন না। এখানে মন্ত্রী-মণ্ডলীর যুক্তিকে হাস্যকর যুক্তি ছাড়া আর কিছুই বলা যেতে পারে না। আজকে Government বলতে যদি জনসাধারণের প্রতিনিধির দ্বারা পরিচালিত প্রতিষ্ঠান বোঝায়, এবং তারা যদি ভালভাবে কাজ চালাতে পারে তবে Corporationএর বেলায়ও তাহাই খাটে। Corporation Councillorদের অযোগ্যতা আজকেই প্রথম প্রকাশ পেয়েছে একথা কেহ বলতে পারে না, বহুদিন থেকেই হতে পারে, Corporationএর মত একটা self-governing institutionএর ভিতর অনেক গলদ আছে, এবং সেই গলদ দূর করবার জন্যও অনেক পন্থা ও উপায় আছে। কলিকাতা Corporation যাঁরা পরিচালনা করেছেন তাঁদের অযোগ্যতা যদি প্রকাশ পেয়ে থাকে তাহলে বর্ত্তমান বাংলা Government যাঁরা পরিচালিত করছেন তাদেরও অযোগ্যতা স্বীকার করতে হয়। এই বাংলা Governmentএর মধ্যে আমাদের মাননীয় প্রধান মন্ত্রী ফজলুল হক সাহেব এবং মাননীয় সুরাবর্দ্দী সাহেব, অর্থ-সচীব, যাঁরা Government পরিচালিত করছেন, তাঁরাও এক সময় কলিকাতা Corporation পরিচালিত করেছেন। একজন Mayor ছিলেন, আর একজন Deputy Mayor ছিলেন, তাহ'লে কি আমি বিশ্বাস করবো যে, যাঁরা বাংলা Government পরিচালিত করছেন তাঁরা অযোগ্য ব্যক্তি? আপনারা কি বলবেন ফজলুল হক সাহেব অযোগ্য, সুরাবর্দ্দী সাহেব অযোগ্য? যদি তা না বলতে চান, তাহলে, আমি সঙ্গে সঙ্গে একথাও বলবো কলিকাতা Corporation যাঁরা পরিচালিত করছেন তাঁরা কখনই অযোগ্য নন্। সুতরাং এই অযোগ্যতার দোহাই দিয়ে কলিকাতা Corporationএর যার পৃথিবীর মধ্যে একটা সুনাম আছে, যার একটা status আছে, সেই কলিকাতা Corporationএর ক্ষমতা, Corporationএর হাত থেকে কেড়ে নেওয়া হচ্ছে, এর চেয়ে আর অন্যায় অবিচার হতে পারে না।

শুধু তাই নয় গত মিউনিসিপাল্ সংশোধন আইন প্রণয়ণের সময় একটা প্রস্তাব আনা হয়েছিল যে joint electorateএর পরিবর্ত্তে seperate electorate করা হ'ক। এই পৃথক নির্ব্বাচন প্রথায়, আমরা তখন আমাদের দল থেকে বাধা দিয়াছিলাম। তখন Governmentএর পক্ষ থেকে এক মাত্র যুক্তি দেওয়া হয়েছিল যে কলিকাতা Corporationএ Councillorদের মধ্যে মুসলমানদের পক্ষ থেকে প্রকৃত প্রতিনিধি নেই। এ যদি সত্য হয়, তাহলে এখন যাঁরা আছেন, যাঁরা মুসলমানদের তরফ থেকে প্রতিনিধিত্ব করেছেন তারা প্রকৃত মুসলমান। তবে তাদের থেকে কেন ক্ষমতা কেড়ে নেওয়া হোচ্ছে?

কোন কোন বন্ধু এই বিলের ভিতর সাম্প্রদায়িক স্বার্থ সিদ্ধির কথা বোলেছেন। বিশেষ করে মিঃ রসিক লাল বিশ্বাস মুসলমান স্বার্থ খুব দেখিয়েছেন। যদি মুসলমানদের কোন উপকারের কথা থাকতো—তা ভাল হোক মন্দ হোক স্বীকার করতাম একটা নীতি আছে। কিন্তু কাহারও কোন স্বার্থের কথা ইহাতে নাই শুধু গভর্ণমেণ্ট চায়—কলিকাতা করপোরেশনের হাতে যে ক্ষমতা দেওয়া হোয়েছে সে ক্ষমতা সম্পূর্ণরূপে নিজের হাতে আনতে, এর দ্বারা তাঁরা বোলতে চান যে করপোরেশন দল বিশেষের দ্বারা পরিচালিত হওয়ায় সকলের স্বার্থ রক্ষিত হয় না, এবং সেইজন্য করপোরেশনে অনেক দোষ ঘটেছে। কিন্তু আমি জিজ্ঞাসা করি—বর্ত্তমান গভর্ণমেণ্ট যে দলের দ্বারা পরিচালিত হোচেচন—সে দল বিশেষ কোন কোন লোকের সুবিধা করা ছাড়া জনসাধারণের কি উপকার কোরছেন—একবার চিন্তা কোরে দেখুন। Parliamentary system অনুসারে প্রত্যেক lagislature এই opposition থাকবেই। এই হিসাবে আমরা যারা opposition দলে আছি আজ সাড়ে তিন বছরের ভিতর বাংলা গভর্ণমেণ্টের অধীনে যে সব চাকরী বণ্টন করা হোয়েছে,—আমি জিজ্ঞাসা করি,—বিরুদ্ধ দলের পক্ষ থেকে তার একটাও কি কোন একজন লোককে দেওয়া হোয়েছে? তা যদি না হোয়ে থাকে, গভর্ণমেণ্ট যদি favouritism দেখাতে পারেন তাইলে কলিকাতা Corporation যদি একটা public body তারাই বা কেন favouritism দেখাবে না? গভর্ণমেণ্টের অধীনে যে সব চাকরী দেওয়া হোয়েছে তাতে দেখতে পাওয়া যাবে—মিনিষ্টার মহোদয়দের আত্মীয়স্বজন এবং কোয়ালিশন পার্টির কোন কোন মেম্বরের আত্মীয়স্বজন ছাড়া হিন্দু বা মুসলমান জনসাধারণের যারা নাকি educationally qualified লোক, তাদের নিযুক্ত করা হয় নাই। আজ এ সম্পর্কে অধিক কিছু না বোলে মন্ত্রী মহোদয়ের কাছে অনুরোধ করিতে চাই—বর্ত্তমান সময়ে যখন পৃথিবীর সমস্ত দেশের রাজনীতি ওলট্‌পালট্ হোতে চোলেছে যেখানে অদূর ভবিষ্যতে ভারতবর্ষের অবস্থা কি হবে—বোঝা যায় না সেখানে আমাদের বাংলাদেশের হিন্দু মুসলমানের ভিতর আর সম্প্রদায়ে সম্প্রদায়ে এ রকম গোলমাল যাহাতে সৃষ্টি না হয় সে দিকেই তাঁদের লক্ষ্য রাখা একান্ত কর্ত্তব্য। কারণ, আমরা বার বার একথা স্বীকার করি যে আমাদের শাসনভার আমাদের হাতে না আসা পর্য্যন্ত আমাদের সব রকম অভাব অভিযোগের প্রতিকার হোতে পারে না। আজকে ভারতবর্ষের, বিশেষতঃ বাংলাদেশের জনসাধারণের রক্ত শোসন কোরে যারা ৭ সমুদ্র ১৩ নদীর ওপারে চোলে যাচ্ছে সে কিসের জোরে? তারা সাগর পার থেকে এসে আমাদের উপর রাজত্ব চালাচ্ছে হুকুম চালাচ্ছে—সেটা কিসের জোরে? এই ভেদ নীতির জোরে, এটাকে আমরা নিন্দা করি। আজ বাংলা গভর্ণমেণ্ট সেই ভেদ নীতির আশ্রয় গ্রহণ কোরে, তারি সুযোগ গ্রহণ কোরে আমাদের বাংলার স্বাধীনতার আবহাওয়া বাংলার জনসাধারণের পক্ষে মঙ্গলকর আবহাওয়া যদি নষ্ট করেন তাহলে ভবিষ্যতে তাঁদের এর জন্য দায়ী হোতে হবে। এবং বাংলাদেশের ভবিষ্যৎ জনসাধারণের নিকট তাঁদের নাম কলঙ্কিত হোয়ে থাকবে। এ সম্বন্ধে আমি আর বক্তৃতা দীর্ঘ কোরতে চাই না। বিলটী সার্কুলেশনের যে মোশন আছে আমি সেইটা সমর্থন কোরে এখন আমার আসন গ্রহণ কোরছি।

Mr. ABDUL HAKEEM: I rise to oppose this Bill on fundamental grounds. There are far deeper, far larger and far higher interests of our political life which the provisions of the Bill under notice, with some honourable exceptions, militate against. I cannot claim the wisdom and logic of the framers of the Bill. A humble member of the Legislature, whose "flag has not been unfurled on the Admiral Staff and philosophise who dare not yet," I have always tried to behave in my own humble way in all matters connected with my Parliamentary activities. But on all supreme occasions when the question of fundamental principles has come up, I have invariably accentuated my difference by opposition. In my opinion, in the present instance, we are confronted with a fundamental issue. All honour to the Hon'ble Nawab Bahadur of Dacca that he has at least confessed that the proposed measure is out of harmony with progressive and democratic ideas with regard to local self-government. At a time when the whole civilized world is anxious for the enthronement of democracy with all its faults, when multi-millions of fair, precious lives are being sacrificed to the hounds of howling war in vindication of the principle of democracy, it is in Bengal alone that her Ministers take pride on a "retrograde step", so fundamentally antagonistic to the march of progress and civilization. While we have been still crying for the introduction of "universal adult franchise" and "joint electorate" and "the abolition of nomination" in all self-governing institutions, there has come upon us a deadweight of a something in the shape of a Bill which is a relic of mediævalism, a negation of democracy, a recanonization and reofficialisation of a bureaucracy which has been so long masquerading under the false flag of a responsible Government.

Sir, everybody knows that the days of aristocracy and vested interests and Knights and Nawabs were numbered. It is therefore no wonder that they would "retrace their steps" now so that they may rectify the past and dominate Bengal awhile and keep us under perpetual tutelage. The why and wherefore of the Bill has been foreshadowed in the Statement of Objects and Reasons. A mythological Hercules once became an immortal name by cleansing the Augean stable. Sir, here is a whole host of modern Herculeses whose pre-eminent anxiety is to cleanse an Augean stable of this metropolis, but who knows that they will not augment the volume of filth, rather than remove it? There is a far bigger Augean stable whose length and breadth and depth are the length and breadth and depth of the whole province of Bengal, and our heroes who take their stand upon the famous ground of their ultimate responsibility in the matter of an efficient administration of Calcutta Corporation, should first think of their immediate responsibility in the matter of the efficient administration of Bengal lest their masters beyond the seas take a 'retrograde

step" in their turn in the discharge of their ultimate responsibility also. Verily, what the honourable gentlemen echo is "their master's voice" weighed in the balance, time and again, and found "wanting".

This Bill, Sir, is unworthy of any Cabinet to offer and of any House to accept. Who are the real masters of the Corporation? If is none other than the rate-payers of the city. The purpose of an election of their representatives to guide the policy and programme of the Corporation will be a huge hoax and gigantic farce, if clauses 5, 6 and 17 receive the benediction of this House. The provisions of these clauses mean but a total annihilation of the spirit and letter of what is called self-government. The year 1923 is regarded as "a red letter day" in the history of local self-government in Bengal. If I am allowed—as the House has given indulgence to Mr. Rasik Lal Biswas who is now in a new atmosphere, perhaps in his proper element, perhaps in a new school where linguistic jugglery is taught to contribute a beautiful phraseology, "an airy nothing," with a new meaning and a "local habitation" to enrich our vocabulary—if I am allowed the same indulgence to contribute a new phraseology to the vocabulary of the English language, I might say, Sir, that the year 1940 shall be regarded as a "black letter" day in the annals of Indian aspirations. The ministry find fault with the maladministration of the Corporation on account of "undue influence of individual Councillors," "interference of the Party in power," and "appointments on personal or party considerations." But of this catalogue of malpractices and favouritisms, they themselves are more grievously guilty in their own sphere of activity. The appointing authority in every department of Government in Bengal is overflooded with letters, messages and communications, sometimes telephonic, from the Hon'ble Ministers running candidates of their own.

This ministerial nuisance runs rampant all over Bengal from a high post to the post of a police constable. Even the "local agents" of the ministerialist party threaten the local officers in the name of the Hon'ble Ministers and secure appointments and nominations in favour of those who are "Minister's men." The same thing obtains in the matter of nominations and appointments to union boards, union courts, district school boards, district boards and so forth. The "local agencies" tell the District and Subdivisional Officers that "so and so" happens to oppose the cabinet. So it is the desire of the Hon'ble Ministers that candidates set up by the oppositionists must not get any place anywhere. In this way, the "mighty caravan moves on," irresponsive and irresponsible to the seething discontent of millions. Such people will indeed eradicate the evils of the Calcutta Corporation. My honourable friend Mr. Hashemy has rightly remarked in the Biblical language "Physician, heal thyself."

Clause 17 shows the depth of our fall, the extent of our intellectual bankruptcy. Outside the cadre of the Indian Civil Service and Bengal Civil Service, men who are a limb of British Imperialism and are the embodiment and expression of intellectual thraldom, there is not to be found a single soul who can satisfy the requisite qualifications of a Chief Executive Officer. Self-condemnation cannot go further than this!

The idea is: so long the Hindus have dominated the Corporation, henceforth, the Coalition Party will dominate it, no matter if, in the attempt, the autonomy itself tumbles down and goes!

O! Call him up who can stop this fratricidal war!

Mr. MAQBUL HOSAIN : মাননীয় সভাপতি সাহেব কলিকাতা মিউনিসিপাল সংশোধন বিল জনমত সংগ্রহার্থে প্রচারের জন্য আমার বন্ধু শ্রীযুত সত্যপ্রিয় ব্যানার্জ্জি মহাশয় যে সংশোধন প্রস্তাব উত্থাপন করিয়াছেন তাহা আমি সর্বান্তঃকরণে সমর্থন করিতেছি। স্বায়ত্ত শাসন বিভাগের ভারপ্রাপ্ত মন্ত্রী ঢাকার নবাব বাহাদুর এবং কোয়ালিসন পার্টির কয়েকজন সদস্য বিলটি সমর্থন করিয়া যে সমস্ত বক্তৃতা দিয়াছেন তাহা যে অন্যায়, অযৌক্তিক এবং অপ্রাসঙ্গিক তাহা বিলের উদ্দেশ্য প্রকরণ এবং বিভিন্ন ধারার আলোচনা করিলেই বুঝিতে পারা যাইবে। বিলে যে সমস্ত গণতন্ত্র বিরোধি ধারা সন্নিবেশিত করা হইয়াছে তন্মধ্যে নিম্নোক্ত ধারা সমূহই বিশেষ উল্লেখযোগ্য—

(১) কর্পোরেশনে কর্ম্মচারী নিয়োগের ভার বাংলা গভর্ণমেণ্ট কর্তৃক নিযুক্ত পাব্লিক সার্ভিস্ কমিশনের হাতে অর্পণ করা হইবে।

(২) কর্পোরেশনের Councillor গণ যে প্রস্তাব করিবেন, গভর্ণমেণ্ট ইচ্ছা করিলে তাহা নামঞ্জুর করিতে পারিবেন।

(৩) কর্পোরেশনের কোন ডিপার্টমেণ্ট্‌কে গভর্ণমেণ্ট বাতিল করিয়া, ঐ ডিপার্টমেণ্টের কাজ সরকার নিযুক্ত কর্ম্মচারী দ্বারা চালাইতে পারিবেন।

(৪) গভর্ণমেণ্ট ইচ্ছা করিলে যে কোন সময় কর্পোরেশনের নির্ব্বাচন নাকচ্ করিয়া নূতন নির্ব্বাচন পরিচালনা করিতে পারিবেন।

বিলের উল্লিখিত বিধান সমূহের দিকে লক্ষ্য করিলে কি বুঝা যায় না যে গভর্ণমেণ্ট কর্পোরেশনকে সরকারী আয়ত্তাধীনে আনার মনোভাব নিয়াই বিলটি রচনা করিয়াছেন? গভর্ণমেণ্ট তথা মন্ত্রীমণ্ডলী চান বাংলায় সমস্ত প্রতিষ্ঠানের উপর তাঁহাদের প্রভাব প্রতিষ্ঠিত করিয়া রাখিতে, বাংলায় যেন স্বায়ত্ত শাসনের নাম গন্ধ না থাকে, বাংলার জনসাধারণ যেন স্বাধীন ভাবে চিন্তা করিতে না পারে ও না শিখে এবং বাংলাতে যেন গণ আন্দোলন মাথা তুলিয়া দাঁড়াইতে না পারে, ইহাই মন্ত্রীমণ্ডলীর একমাত্র ব্রত। কিন্তু মন্ত্রীগণ ভুলিয়া যান যে কোন কালেই কোন গভর্ণমেণ্ট জনমতকে ধ্বংস করিতে পারেন নাই, যারা জনমত ধ্বংস করিতে আসিয়াছে তারাই ধ্বংস হইয়াছে, জনমতই জয়যুক্ত হইয়াছে।

মন্ত্রী মহোদয় বিলে একথা উল্লেখ করিয়াছেন যে বিগত ১৬ বৎসরের কর্পোরেশনের কাজের দ্বারা গভর্ণমেণ্টের এই অভিজ্ঞতা জন্মিয়াছে যে কর্পোরেশন পরিচালনের ক্ষমতা কোন একটী রাজনৈতিক দলের আয়ত্তাধীনে আসিয়া পড়িয়াছে এবং ঐ দলের ক্ষমতা উত্তরোত্তর বৃদ্ধি পাইতেছে, ইহাতে কর্পোরেশনের কার্য্য পরিচালনের ব্যাঘাৎ জন্মিতেছে। এইরূপ ব্যাঘাৎ দূরিভূত করিবার জন্য মন্ত্রিমহোদয় এই বিলটী উপস্থিত করিতে বাধ্য হইয়াছেন। কিন্তু আমি জিজ্ঞাসা করি, নবাব বাহাদুর কর্পোরেশন আইন সংশোধন করিবার জন্য যে অভিযোগ উত্থাপন করিয়াছেন তিনিও তাঁহার দল কি তাঁহার আরোপিত অভিযোগ অপেক্ষা অধিক দোষে দোষী নহেন? চাকুরী, নমিনেশন প্রভৃতি সম্পর্কে তাঁহারা কি বিগত ৩।। বৎসর যাবৎ অন্যান্য রাজনৈতিক দল সমূহকে উপেক্ষা করিয়া আসিতেছেন না? সমস্ত কাজে তাঁহাদের হস্তক্ষেপের ফলে সরকারী কর্ম্মচারীগণ অতিষ্ঠ হইয়া উঠিয়াছে। তাঁহারা স্বাধীন ভাবে কাজ করিতে পারিতেছেন না।

আজকাল গণতন্ত্রের যুগ। প্রত্যেক দেশ গণতন্ত্রের দিকে আগাইয়া আসিতেছে। ভারতবর্ষের অনেক প্রদেশ গণতন্ত্র প্রতিষ্ঠার জন্য উঠিয়া পড়িয়া লাগিয়াছে।

সিন্ধু প্রদেশ স্বায়ত্ত শাসন মূলক প্রতিষ্ঠান হইতে নমিনেশান প্রথা রহিত করিয়া নির্ব্বাচন প্রথা প্রবর্ত্তন করিতে উদ্যোগী হইয়াছেন। আর আজ বাংলার কি দেখিতেছি? বাংলার মন্ত্রীমণ্ডল নির্ব্বাচন প্রথা রহিত করিয়া নমিনেশনের সৃষ্টি করিতেছেন। এই ভাবে দেশবাসী বহুকালের ত্যাগ ও নির্য্যাতনের ফলস্বরূপ যে আত্ম-নিয়ন্ত্রণের ক্ষমতা অর্জ্জন করিয়াছিল, মন্ত্রীমণ্ডলী কলমের এক খোঁচায় সেই অধিকার কাড়িয়া লইবার জন্য উদ্যোগী হইয়াছেন এবং তাতে সায় দিতেছেন কোয়ালিশন পার্টির মেম্বরগণ। কোয়ালিশন পার্টির মেম্বরগণ! আপনাদিগকে বলি যদি আপনাদের ক্ষমতা, আপনারা যে নজির সৃষ্টি করিতে যাইতেছেন, তাহার সুযোগে কাড়িয়া লওয়া হয় তবে আপনাদের অবস্থাটা কি হইবে? এই সমস্ত বিষয় ভাবিয়া চিন্তিয়া কাজ করিবেন।

ইং ১৯৩৯ সনের কর্পোরেশন আইন সংশোধনের পূর্ব্বে যে সমস্ত Councillor নির্ব্বাচিত হইতেন তাঁহারা বিগত কতক বৎসরে কলিকাতা নাগরিকগণের প্রায় সমস্ত অভাব অভিযোগের প্রতিকার করিতে যথাসাধ্য চেষ্টা করিয়াছেন। স্যার সুরেন্দ্র নাথের সংশোধন আইনের কল্যানে ও দেশবন্ধুর ত্যাগে কর্পোরেশনে নবাব বাহাদুরের বর্ণিত রাজনৈতিক দল কংগ্রেস, কর্পোরেশনে প্রভাব বিস্তার করেন। কর্পোরেশন তহবিলের শতকরা ৭৫৲ টাকা শিক্ষা, স্বাস্থ্য প্রভৃতি জনহিতকর কাজে ব্যয় করিতে সমর্থ হওয়াতেই উক্ত দল কলিকাতার জনসাধারণের নিকট একথা প্রমান করিতে সক্ষম হন যে তাঁহারাই কলিকাতার নাগরিকদের একমাত্র বন্ধু। নবাব বাহাদুর বিগত সংশোধন দ্বারা কর্পোরেশন নিজের আয়ত্তাধীনে আনিয়াছেন। এখন তাহার দল কর্পোরেশনের পরিচালক তাঁহারা জনসাধারণের কাজে ব্রতি হইলেই কর্পোরেশনে তাহাদের প্রভাব বৃদ্ধি হইবে। তিনি আইন করিয়া জনমতের কণ্ঠরোধ করিতে চান কেন?

আমি আশা করি ভার প্রাপ্ত মন্ত্রীমহোদয় বর্ত্তমান বিলটী circulation এর জন্য যে প্রস্তাব করা হইয়াছে তাহা সমর্থন করিবেন। এবং ইত্যবসরে কর্পোরেশনে নমিনেশন প্রথা উঠাইয়া দিয়া প্রাপ্তবয়স্কদের ভোটাধিকারের ভিত্তিতে নির্ব্বাচন বিধান করিয়া এবং কর্পোরেশনের হাতে আরও ব্যাপক ক্ষমতা দেওয়ার ব্যবস্থা করিয়া আগামী session অন্য একটি নূতন বিল্ পেশ করিবেন।

Adjournment.

It being 8-10 p.m.—

The House was adjourned till 4-45 p.m. on Friday, the 6th September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 6th September, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Manager for the Bhowal Court of Wards Estate.

*244. **Maulvi MAFIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) who was the last Manager of the Bhowal Estate under the Court of Wards; and

(*ii*) whether the post of the Manager, Bhowal Court of Wards Estate, is vacant?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government contemplate the appointment of an officer other than a retired officer to the vacancy?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of the Revenue Department): (*a*) (*i*) Sir D. L. Stewart, Bart.

(*ii*) Not yet.

(*b*) The matter is under consideration of Government.

Communal ratio of clerks in offices of District and Sessions Judge of Pabna and Bogra.

***245. Mr. ABDUR RASCHID MAHMOOD:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) the existing strength of the—

(1) Upper Division, and

(2) Lower Division

clerks in the offices of the District and Sessions Judge of Pabna and Bogra;

(*b*) how many of them are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes;

(*c*) how many clerks have been appointed since April, 1937, up to the 15th August, 1940;

(*d*) how many of them are—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes;

(*e*) how many clerks have been promoted from the Lower Division to the Upper Division since April, 1937, up to 15th August, 1940; and

(*f*) how many of them are—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur):

(*a*) Upper Division 19
Lower „ .. .. 78 including 2 temporary.

(*b*) Caste Hindus	..	..	56
Muslims	..	..	35
Scheduled Castes	..	..	5 and 1 of other class.
(*c*) Twenty.			
(*d*) Muslims	..	..	7
Caste Hindus	..	..	11
Scheduled Castes	..	..	2
(*e*) Eight.			
(*f*) Muslims	..	..	4
Caste Hindus	..	..	3
Scheduled Castes	..	..	1

Debt Settlement Boards in Pabna and their staff.

*246. **Babu MADHUSUDAN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the existing number of Debt Settlement Boards in the district of Pabna; and

(*ii*) the names of the Boards and the number of clerks in each of them who are—

(1) Caste Hindus,

(2) Muslims, and

(3) Scheduled Castes?

(*b*) Will the Hon'ble Minister be pleased to state whether the communal ratio in services since its introduction is observed in making those appointments?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 146 including 8 Special Boards.

(*ii*) A statement is laid on the table.

(*b*) Yes.

Statement referred to in the reply to clause (a)(ii) of starred question No. 246.

Name of Debt Settlement Board.	No. of clerks.	Muslims.	Caste Hindus.	Scheduled Castes.
Sadar subdivision.				
(1) The Sadar Special ..	1	1	..	..
(2) Pabna Co-operative L.M. Bank, Ltd., Special.*	..	..	..	..
(3) Pabna Co-operative Credit Bank Special.	1	1	..	..
(4) Bhangura Co-operative Credit Bank Special.	1	1	..	..
(5) Malanchi ..	1	..	1	..
(6) Dapunia ..	1	..	..	1
(7) Chatmohar ..	1	..	1	..
(8) Bera ..	1	1	..	..
(9) Jatsakhini ..	1	1	..	..
(10) Goyespur ..	1	..	1	..
(11) Ataikula ..	1	..	1	..
(12) Chartarapur ..	1	1	..	..
(13) Dogachi ..	1	..	1	..
(14) Ekdanta ..	1	1	..	..
(15) Tantibandha ..	1	1	..	..
(16) Sujanagar ..	1	..	1	..
(17) Manikhat ..	1	..	1	..
(18) Hatkhali ..	1	..	1	..
(19) Nazirganj ..	1	1	..	..
(20) Satbaria ..	1	..	1	..
(21) Dasuria ..	1	..	1	..
(22) Pranmathpur ..	1	..	1	..
(23) Sahapur ..	1	1	..	..
(24) Nimaichara ..	1	..	1	..
(25) Gunaigacha ..	1	..	..	1
(26) Handial ..	1	..	1	..
(27) Parswadanga ..	1	..	1	..
(28) Bhangura ..	1	1	..	..
(29) Pungli ..	1	1	..	..
(30) Banwarinagar ..	1	..	1	..
(31) Faridpur ..	1	1	..	..
(32) Demra ..	1	1	..	..
(33) Dhulauri ..	1	1	..	..
(34) Dhopadaha ..	1	..	1	..
(35) Santhia ..	1	..	1	..
(36) Khetupara ..	1	1	..	..
(37) Sadullapur ..	1	..	1	..
(38) Nutan Bharenga ..	1	..	1	..
(39) Puran Bharenga ..	1	..	1	..
(40) Karanja ..	1	..	1	..
(41) Raghunathpur-Ataikula	1	..	1	..
(42) Dulai ..	1	..	1	..

* Vacant.

Name of Debt Settlement Board.	No. of clerks.	Muslims.	Caste Hindus.	Scheduled Castes.
(43) Maligacha ..	1	1	..	..
(44) Hemayatpur ..	1	..	1	..
(45) Majhpara ..	1	1	..	..
(46) Chandba ..	1	..	1	..
(47) Lakshmipur ..	1	1	..	..
(48) Sagarkandi ..	1	1	..	..
(49) Ruppur ..	1	..	1	..
(50) Masundia ..	1	1	..	..
(51) Haturia-Nakalia ..	1	..	1	..
(52) Raninagar ..	1	..	1	..
(53) Ahmmadpur ..	1	1	..	..
(54) Gourigram ..	1	1	..	..
(55) Bhul Baria ..	1	..	1	..
(56) Kashinathpur ..	1	1	..	..
(57) Nandanpur ..	1	1	..	..
(58) Sara ..	1	1	..	..
(59) Muladhuli ..	1	1	..	..
(60) Chhaikola ..	1	1	..	..
(61) Haripur ..	1	1	..	..
(62) Mulgram ..	1	..	1	..
(63) Danthia-Bamangram ..	1	..	1	..
(64) Nagdemra ..	1	..	1	..
(65) Debottar ..	1	1	..	..
(66) Paksey ..	1	1	..	..
(67) Bharara ..	1	..	..	1
(68) Khanmarich ..	1	1	..	..
(69) Phailjana ..	1	1	..	..
(70) Par-Bhangura ..	1	..	..	1
(71) Hadaf ..	1	.	1	..
Sirajganj subdivision.				
(1) Sirajganj Special ..	1	..	1	..
(2) Sirajganj Co-operative Bank Special.	1	..	..	1
(3) Ullapara Co-operative Bank Special.	1	1	..	..
(4) Shahzadpur Co-operative Bank Special.	1	..	1	..
(5) Ratankandi ..	1	..	1	..
(6) Bagbati ..	1	..	1	..
(7) Bahuli ..	1	1	..	..
(8) Sialkol ..	1	1	..	..
(9) Khokshabari ..	1	..	1	..
(10) Chhangachha ..	1	1	..	..
(11) Mechhra* ..	..	..	..	..
(12) Kaoakola ..	1	1	..	..
(13) Kalia Haripur ..	1	..	1	..
(14) Saidabad ..	1	..	1	..

Name of Debt Settlement Board.	No. of clerks.	Muslims.	Caste Hindus.	Scheduled Castes.
(15) Sonamukhi ..	1	1	..	..
(16) Chalitadanga ..	1	..	..	1
(17) Gandail ..	1	1	..	..
(18) Subgachha ..	1	1	..	..
(19) Kazipur ..	1	1	..	..
(20) Maijbari ..	1	1	..	..
(21) Khas Rajbari ..	1	1	..	..
(22) Char Girish ..	1	1	..	..
(23) Natuarpara ..	1	1	..	..
(24) Tekani ..	1	..	..	1
(25) Nischintapur ..	1	1	..	..
(26) Bhadraghat ..	1	1	..	..
(27) Jhaul ..	1	1	..	..
(28) Jamtoil ..	1	1	..	..
(29) Raidaulatpur ..	1	1	..	..
(30) Ramkrishnapur ..	1	1	..	..
(31) Bangala ..	1	1	..	..
(32) Udhunia ..	1	..	..	1
(33) Barapangashi ..	1	..	1	..
(34) Mohanpur ..	1	1	..	..
(35) Durganagar ..	1	1	..	..
(36) Purnimaganti ..	1	..	1	..
(37) Salanga ..	1	..	1	..
(38) Hatikumrul ..	1	1	..	..
(39) Barahar ..	1	1	..	..
(40) Ullapara ..	1	1	..	..
(41) Panchokrosi ..	1	1	..	..
(42) Salop ..	1	1	..	..
(43) Dhamainagar ..	1	1	..	..
(44) Atgharia-Dhibil ..	1	1	..	..
(45) Ghurka ..	1	..	1	..
(46) Chandaikona ..	1	..	1	..
(47) Dhangara ..	1	1	..	..
(48) Nalka ..	1	1	..	..
(49) Brahmagacha ..	1	1	..	..
(50) Baruhash-Talam ..	1	1	..	..
(51) Saguna ..	1	..	1	..
(52) Naogaon ..	1	..	1	..
(53) Tarash ..	1	1	..	..
(54) Madhainagar* ..	..	..	..	..
(55) Gurpipul-Deshigram ..	1	1	..	..
(56) Brojabala ..	1	..	..	1
(57) Garadaha ..	1	1	..	..
(58) Potajia ..	1	..	1	..
(59) Rupbati ..	1	1	..	..
(60) Gala ..	1	1	..	..
(61) Porjana ..	1	1	..	..
(62) Shahazadpur ..	1	1	..	..
(63) Beltail ..	1	1	..	..

*Vacant.

Name of Debt Settlement Board.	No. of clerks.	Muslims.	Caste Hindus.	Scheduled Castes.
(64) Khukni ..	1	..	1	..
(65) Kaijuri ..	1	1	..	..
(66) Sonatani ..	1	1	..	..
(67) Rajapur ..	1	1	..	..
(68) Bhangabari ..	1	..	1	..
(69) Dhukuriabera ..	1	1	..	..
(70) Daulatpur ..	1	1	..	..
(71) Belkuchi ..	1	1	..	..
(72) Sadiachandpur ..	1	..	1	..
(73) Sthal ..	1	..	1	..
(74) Ghorjan ..	1	1	..	..
(75) Mirkutia Umarpur ..	1	1	..	..

Mr. MONOMOHAN DAS: With reference to answer (*b*), from the statement we find that there are as many as 146 Debt Settlement Boards and 146 clerks have been appointed. Out of these we find only 9 Scheduled Castes have been appointed. How does the Hon'ble Minister say that the communal ratio has been observed in these services?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: On a reference to (*b*) it will appear that the question is whether the communal ratio after its introduction has been observed in this case also. I can appreciate the anxiety of the honourable member. After the communal ratio rule was introduced in March, 1939, 29 appointments were made of whom 15 were Muslims, 10 Caste Hindus and 4 Scheduled Castes. Therefore, Sir, that is what I meant with reference to the appointments after the communal ratio rule was introduced in March, 1939, as asked in (*b*).

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Amendment of rules made under Bengal Agricultural Debtors Act.

124. Mr. DHIRENDRA NATH DATTA: With reference to the reply to clause (*b*) of starred question No. 46 given on the 20th February, 1939, will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) whether the Government contemplate the amendment of the rules now; and

(*b*) if not, the reason thereof?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The matter is under consideration of Government.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the approximate time when the consideration of the matter will be finished?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is difficult to prophesy, because the honourable member will find from the question itself that it refers to various departments. The fees for a certificate are realised under the Public Demands Recovery Act. The question is being considered by Government as to whether it is desirable to amend the Public Demands Recovery Act or it will do only by an amendment of the rules. Therefore, it must take some time before Government can come to a conclusion.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the deliberations will be over before the breaking of this Assembly House?

Mr. SPEAKER: The Assembly House will never break. (Laughter.)

Mr. SHAHEDALI: I mean before the expiry of this session.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am sorry I cannot say that.

Communal ratio of clerks under the District Judge of Tippera.

125. Mr. JACAT CHANDRA MANDAL: (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the total number of clerks (both Upper and Lower Divisions) at present serving under the District Judge of Tippera; and

(*ii*) the number of them that are—

(1) Muslims,

(2) Caste Hindus, and

(3) Scheduled Castes?

(*b*) If the number of Scheduled Caste clerks are not adequate, what steps do the Government propose to take in the matter?

(*c*) Will the Hon'ble Minister be pleased to state whether the communal ratio is followed since its introduction in respect of all appointments made under the District Judge?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) 146.

(*ii*)	(1) Muslims	...	...	56
	(2) Caste Hindus	...	...	89
	(3) Scheduled Castes	...	...	1
			Total	146

(*b*) The provision of rule 7 of the Bengal Services Recruitment (Communal Ratio) Rules, 1940, will be observed when new appointments are made.

(*c*) The question does not arise so far as this district is concerned as no recruitment has been made since June, 1938.

STARRED QUESTIONS

(to which oral answers were given)

Permission to prisoners interviewing their relatives in the Alipore Central Jail.

***205A. Dr. NALINAKKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state whether it is a fact that the practice of allowing Division I prisoners interview in the jailor's office in the Alipore Central Jail has been discontinued lately?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is it a fact that interviews with certain classes of prisoners are regulated on the recommendation of the Special Branch or Intelligence Branch Departments of the Police, or of both?

(*d*) If so, will the Hon'ble Minister be pleased to state the classes of prisoners whose interviews are so controlled?

(*e*) Is it a fact that the relations of certain classes of prisoners have to wait several weeks before permission for an interview is granted to them? If so, why?

(*f*) Is it a fact that considerable delay is experienced in the delivery of letters to Maulvi Asrafuddin Ahmed Choudhury in the Alipore Central Jail? If so, why?

(*g*) Are the Government aware that the relations of Mr. Soumyendra Nath Tagore and Maulvi Asrafuddin Ahmed Choudhury, prisoners in the Alipore Central Jail, were visited by the officers of the Criminal Investigation Department in connection with their applications for interview? If so, why?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) To prevent the smuggling of articles out of the jail.

(*c*) The Special Branch and the Intelligence Branch are consulted regarding the interviews of certain classes of prisoners.

(*d*) I regret I am unable to supply the information in the public interest.

(*e*) No.

(*f*) No.

(*g*) For the verification of their relationships with the prisoners concerned.

Dr. SURESH CHANDRA BANERJEE: With reference to answer (*g*), will the Hon'ble Minister be pleased to state whether interviews are allowed with relations only?

The Hon'ble Khwaja Sir NAZIMUDDIN: Interviews are allowed according to the Jail Code.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether interview has been refused to me when I wrote to the Superintendent of the Alipore Central Jail——

Mr. SPEAKER: You have got that information already.

Dr. SURESH CHANDRA BANERJEE: Sir, interview has been refused to me. I have been writing repeatedly, but interview is not allowed to me. Therefore, I am enquiring of the Hon'ble Minister whether interview has been refused to me because I am not a relation of the prisoner.

Mr. SPEAKER: You can ask the reason why it has been refused?

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why interview is being repeatedly refused to me with Mr. Deven Sen who is at present in the Alipore Central Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), will the Hon'ble Minister be pleased to state when Division I prisoners were allowed interviews, did the interviews take place in the presence of any jail officer or police officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, I think, all interviews take place in the presence of jail officers.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*), was any case of smuggling detected during these interviews?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state why the practice so long followed of allowing Division I prisoners of having interviews inside the office room in the presence of Intelligence Branch officers is changed now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that practice has been restored again.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this old practice was discontinued because a German prisoner tried to smuggle out certain papers?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, it does arise because there is the question of smuggling of articles outside the jail. I want to know if it was any prisoner other than the German prisoner who was responsible for it.

Mr. SPEAKER: You can ask him that question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any instance of any Indian prisoner having attempted to smuggle out articles mentioned in answer (*b*) as a result of which the old practice was discontinued?

Mr. SPEAKER: How can you say as a result of it?

Dr. NALINAKSHA SANYAL: He himself said that.

Mr. SPEAKER: You assume that the smuggling of articles took place outside the jail.

Dr. NALINAKSHA SANYAL: All right, Sir, I shall ask that question. I wanted to minimise the time. Will the Hon'ble Minister please state if it is a fact that the previous practice was discontinued because of some——

Mr. SPEAKER: You can ask what was the previous practice and then ask what is the reason why it has been changed.

Dr. NALINAKSHA SANYAL: All right, Sir. May I know what was the previous practice?

The Hon'ble Khwaja Sir NAZIMUDDIN: The previous practice was as it was stated in answer (*a*).

Dr. NALINAKSHA SANYAL: Is it a fact that the previous practice was for a time sought to be changed?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Dr. NALINAKSHA SANYAL: What was the reason for that?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated, to prevent the smuggling of articles out of the jail.

Dr. NALINAKSHA SANYAL: Was that attempt made by any Indian prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, since he has been pleased to state that the old practice has been restored, if that practice would apply to a Division I prisoner or to Division I and II prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, we go back to the old practice whatever it was.

Dr. NALINAKSHA SANYAL: With reference to question (*g*), viz., "Are the Government aware that the relations of Mr. Soumyendra Nath Tagore and Maulvi Ashrafuddin Ahmed Choudhury, prisoners in the Alipore Central Jail, were visited by the officers of the Criminal Investigation Department in connection with their applications for interview? If so, why?" to which the answer was "For the verification of their relationship with the prisoners concerned," will the Hon'ble Minister be pleased to state if the applicant in respect of Soumyendra Tagore, viz., the sister of the applicant, did not mention in the application that she was his sister?

Mr. SPEAKER: I am sorry that question does not arise.

Dr. NALINAKSHA SANYAL: Sir, it was stated in the application itself.

Mr. SPEAKER: How do you know that? I have no knowledge of that.

Dr. NALINAKSHA SANYAL: Sir, I am trying to minimise the time. I can ascertain the fact by asking three questions. Will the Hon'ble Minister be pleased to state what relationship was mentioned by the applicant for interview with Soumyendra Tagore in the middle of June last?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, I have not got the papers with me here, and I cannot state what relationship was mentioned. But if I may be allowed to say so, it is immaterial what is stated in the petition. We have to satisfy ourselves that the petition has really come from a person who is supposed to have applied. For example, if a person states that she is the sister of the prisoner, we have got to satisfy ourselves that that person who has applied is really the sister of the prisoner.

Dr. NALINAKSHA SANYAL: So the purpose was really identification of the person who sought to apply and not verification of the relationship?

The Hon'ble Khwaja Sir NAZIMUDDIN: Both. Naturally if you identify the person, you identify the relationship as well.

Dr. NALINAKSHA SANYAL: Will it not be possible for Government to dispense with the practice of sending the C.I.D. and having the identification done at the jail gate by somebody responsible?

The Hon'ble Khwaja Sir NAZIMUDDIN: What I mean is this. Supposing I take a person whom I consider responsible, but the Superintendent of the jail does not know him, and so he may say—"I do not accept you. Bring somebody else."

Dr. NALINAKHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that apart from the verification of relationship, other questions as regards the earning of the husband and what other professions she or her husband were engaged in were asked by the C.I.D.?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: With reference to answer (*e*), will the Hon'ble Minister be pleased to state whether it is a fact that Mrs. N. Roy, sister of Mr. Soumyendra Nath Tagore, applied for interview with Mr. Soumyendra Nath Tagore in the middle of June and did not receive any reply till the second week of July?

Mr. SPEAKER: I am sorry, that question does not arise. You may better ask, when was the application for interview made and when was the interview granted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether an application for interview from Mrs. N. Roy, sister of Mr. Soumyendra Nath Tagore, was received in the month of June and, if so, when she was informed about the grant of the interview?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got to ask for notice. I could not by any stretch of imagination anticipate to which person this question referred. It would have been much simpler if the honourable member had given the concrete case and then I could have given a concrete reply.

Dr. NALINAKSHA SANYAL: Sir, is the question not clear enough to mean that it referred to two persons, namely, Mr. Soumyendra Nath Tagore and Maulvi Ashrafuddin Ahmed Choudhury?

Mr. SPEAKER: I don't know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when was the postcard, delivered to Maulvi Ashrafuddin Ahmed Choudhury on the 6th July, 1940, written by his brother and what were the postmark of the originating post-office and the date thereon?

Mr. SPEAKER: You cannot cross-examine by putting supplementary questions. If you have to cross-examine on a particular point, then you have to put that specific question.

Dr. NALINAKSHA SANYAL: Sir, I wanted to know one little information by my question (*f*), namely, whether letters are delayed, and to which the answer is "No". So, I have put the question when was the letter delivered?

Mr. SPEAKER: In that case, you ought to have put a specific question on that.

Dr. NALINAKSHA SANYAL: Is it not a fact that this letter was received late?

Mr. SPEAKER: I am sorry, your question would not have been permissible under the ordinary rules. So you cannot put supplementary questions on that.

Dr. NALINAKSHA SANYAL: Sir, our rules state that I am entitled to ask questions to elicit information on something which has been already answered. My first question was—whether it is a fact that considerable delay is experienced in the delivery of letters to Maulvi Ashrafuddin Ahmed Choudhury specifically, to which the answer given is "No". Now, in order to elicit further information, I am putting the question as to whether it is a fact that a post-card addressed to Maulvi Ashrafuddin Ahmed Choudhury on the 28th May, 1940, was delivered to him on the 6th July, 1940?

Mr. SPEAKER: I am sorry, you cannot put this supplementary question.

Dr. NALINAKSHA SANYAL: I think, either the Hon'ble Minister does not know——

Mr. SPEAKER: He cannot know. I think, I have very good reasons to point out that question-hour is not the occasion for cross-examination.

Dr. NALINAKSHA SANYAL: Sir, I appeal to you to help me in eliciting information with regard to this directly categorical negative reply.

Mr. SPEAKER: I think the proper thing for you is to ask Government whether they are prepared to make an enquiry as to when actually the letter addressed to Maulvi Ashrafuddin Choudhury was delivered?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is prepared to make an enquiry or whether he would consider the desirability of making an enquiry, with reference to answer (*f*), when the letter addressed to Maulvi Ashrafuddin Ahmed Choudhury and received by him on the 6th July, 1940, was written and posted by the writer of the letter, his brother?

Mr. SPEAKER: I am afraid, you have supplied all the information.

Dr. NALINAKSHA SANYAL: Sir, I am only giving the necessary facts.

Mr. SPEAKER: You may put the purely general question as to whether Government are prepared to give the information to the House as to when the letters received by Maulvi Ashrafuddin Ahmed Choudhury were written by the writers of those letters.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if I may explain to the House about this question—first of all, the honourable member has put two issues jointly. As far as question (*e*) is concerned, it is absolutely general. Then, so far as question (*f*) is concerned, I would have no difficulty if the honourable member had put the question (*f*) as it is and if he had followed by asking—if the answer to (*f*) is in the negative, will he please state the dates on which the letters were received and on which they were posted? In that case, there would have been no difficulty. I would have then got all the facts, and I would have been able to satisfy him.

As it is, we got the information that there was no delay—a categorical reply, and naturally I was satisfied and I came up with that reply. But when the honourable member asks me about a particular point, naturally I am not in a position to answer that.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to reply to my previous question as has been amended by Mr. Speaker?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got to ask for notice.

Arrest in connection with the agitation for the removal of Holwell Monument.

*209A. **Mr. MAQBUL HUSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing from the 2nd to the 24th July, 1940—

(*i*) the names of persons arrested in connection with the agitation for the removal of the Holwell Monument;

(*ii*) the number of them convicted;

(*iii*) the number of them detained;

(*iv*) the number of them since released;

(*v*) the number of them wounded, if any; and

(*vi*) the number of them, if any, treated in the hospital?

(*b*) Will the Hon'ble Minister be pleased to state by which date the removal of the monument from its present site is likely to take place?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) As it is not considered in the public interest to supply the names, it is regretted that it has not been found possible to give names.

(*ii*) 329.

(*iii*) 19.

(*iv*) 9.

(*v*) 3.

(*vi*) 3.

(*b*) As early as possible.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*i*), will the Hon'ble Minister be pleased to consider the desirability of stating why it is not considered in the public interest to disclose the names of persons arrested for joining a movement for the removal of a monument which Government also consider desirable and necessary to remove in the public interest?

The Hon'ble Khwaja Sir NAZIMUDDIN: Anybody who supports an unlawful movement does not deserve to have his name mentioned in public.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how does it really affect the public interest?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state in what division these prisoners are placed?

Mr. SPEAKER: It should be a new question.

Mr. ATUL KRISHNA GHOSE: I am asking this question because all those prisoners happened to be in jail on account of the Holwell Monument agitation.

Mr. SPEAKER: I am sorry you will have to put a separate question.

Mr. ATUL KRISHNA GHOSE: I want to put this question about the division under which these prisoners have been placed, because when the other day I had been to the Jessore Jail I found that they were not being properly treated—they were not supplied with oil, soap and other necessary things. If you do not allow us to put questions——

Mr. SPEAKER: Next question.

Newspapers and Presses in Bengal affected by the operation of Defence of India Rules.

***210. Babu JNANENDRA CHANDRA MAJUMDER:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(*i*) the names of the—

(1) newspapers, and

(2) presses,

that have been affected by the operation of the Defence of India Rules in this Province; and

(*ii*) the dates when the said Rules were applied to them?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the said Rules were brought into operation in certain cases for reasons other than the prosecution of war or the defence of India?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of revising their decision with regard to these cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

(*b*) Action was taken in every case in accordance with the provisions of the Rules.

(*c*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 210, showing the names of the newspapers that have been affected by the operation of the Defence of India Rules in the Province of Bengal.

	Name and language of newspaper.	Date of order.
1.	Yugantar (Bengali daily) ..	22nd December, 1939.
2.	Ditto ..	Ditto.
3.	Hindusthan (Bengali weekly) ..	23rd December, 1939.
4.	Lokemanya (Hindi daily) ..	4th January, 1940.
5.	Deshervani (Bengali weekly) ..	13th January, 1940.
6.	Dainik Basumati (Bengali daily) ..	17th January, 1940.
7.	Bharat (Bengali daily) ..	18th January, 1940.
8.	Matribhumi (Bengali daily) ..	22nd January, 1940.
9.	Ananda Bazar Patrika (Bengali daily) ..	1st February, 1940.
10.	Hindusthan (Bengali weekly) ..	3rd February 1940.
11.	Dainik Basumati (Bengali daily) ..	8th February, 1940.
12.	Rozana Hind (Urdu daily) ..	22nd February, 1940.
13.	The Comrade (English weekly) ..	2nd October, 1939.
14.	Calcutta Industrial Gazette (Hindi weekly) ..	3rd January, 1940.
15.	Lokemanya (Hindi weekly) ..	19th January, 1940.
16.	Sangram (Bengali paper) ..	20th January, 1940.
17.	National Front (English periodical) ..	25th January, 1940, and 7th February, 1940.
18.	Deshapriya (Bengali weekly) ..	27th January, 1940.
19.	Hindusthan Standard (English daily) ..	17th February, 1940.
20.	New Age (English periodical) ..	Ditto.
21.	To all printers, publishers and editors in the Province of Bengal.	9th February, 1940.
22.	Ditto ..	5th April, 1940.
23.	Desh (Bengali weekly) ..	20th April, 1940, and 24th April, 1940.
24.	Dunia (Bengali weekly) ..	Ditto.
25.	Bharat (Bengali daily) ..	Ditto.
26	Dainik Basumati (Bengali daily) ..	Ditto.
27.	Ananda Bazar Patrika (Bengali daily) ..	Ditto.
28.	Forward Bloc (English weekly) ..	10th June, 1940.
29.	Star of India (English daily) ..	Ditto.
30.	To all printers, publishers and editors in Bengal.	17th July, 1940.
31.	Forward Bloc (English weekly), Volume I, No. 46, dated the 29th June, 1940.	19th July, 1940.

Mr. ATUL CHANDRA SEN: May I refer the Hon'ble Minister to item No. 30 of the statement laid on the table? It is an order served on all printers, publishers and editors in Bengal on the 17th July, 1940. Was not this order subsequently modified by another order issued on the 18th July which exempted the "Bengal Weekly" from the operation of that order?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is correct, if you do not mention anything about the "Bengal Weekly," but as I have already said the "Bengal Weekly" was not really affected. The order was modified in the case of other weekly papers. If they had been printed but not published, it would have been a great hardship if the order had been allowed to be applied to them.

Mr. ATUL CHANDRA SEN: Does the Hon'ble Minister consider the desirability of explaining the nature of the hardship?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Why was this latter order, dated the 18th July, omitted from the statement laid on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: That order did not affect adversely any newspaper. It only gave an exemption.

Dr. NALINAKSHA SANYAL: With regard to answer (*b*), will the Hon'ble Minister be pleased to state which of the newspapers mentioned in the statement were sought to be placed under the operation of the Defence of India Rules on account of having indulged in prejudicial acts as contemplated under the Defence of India Act or for having done something prejudicial to the prosecution of war or the defence of India?

Mr. SPEAKER: He does not say that any of these was for the purpose of prosecution of war or for the defence of India.

Dr. NALINAKSHA SANYAL: The question is "will the Hon'ble Minister be pleased to state whether it is a fact that the Defence of India Rules were brought into operation in certain cases for reasons other than the prosecution of war or the defence of India," and now I get a comprehensive reply that "all is under rules." The rules provide for two sets of cases broadly, one relating to prejudicial acts in connection with war or the defence of India and another about certain other things relating to creating disturbances and that sort of thing. The questioner's intention is clear. He wanted to have two groups separately. I only want that to be cleared up.

Mr. SPEAKER: You want to know how many of those cases were due to prejudicial acts?

Dr. NALINAKSHA SANYAL: For example, there may be some newspapers which were sought to be placed under control for inflaming communal passion. I want to know separately——

Mr. SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: I would only follow the language of the original question, viz., what are the particular newspapers in this list which might have been brought under control under the Defence of India Rules for having done something other than those in connection with prejudicial acts arising out of the difficulties created in the prosecution of war or the defence of India?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think my answer is to the point.

Dr. NALINAKSHA SANYAL: It is very vague.

The Hon'ble Khwaja Sir NAZIMUDDIN: It is absolutely to the point. The reply is "action was taken in all cases according to the rules." I have not been asked to give separate statements, and it is difficult to give separate statements. It will mean giving a complete enunciation of the Defence of India Act. I maintain that action was taken under the Defence of India Act and according to the rules.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state then the reasons for having issued an order against the "Hindusthan Standard," first (I would like to go into them one by one), "Dainik Basumati" second, "Ananda Bazar Patrika" third and "Bharat" fourth? Will you allow me to put the questions in groups or shall I ask specific questions?

Mr. SPEAKER: Specific question does not arise out of it.

Dr. NALINAKSHA SANYAL: The names of newspapers that have been affected are stated there——

Mr. SPEAKER: If you want to know which papers were affected, you will have to ask separate questions. You can put two or three newspapers together: there is no harm in it.

Dr. NALINAKSHA SANYAL: I do not want to trouble the Hon'ble Minister specifically about any newspaper. All that I want to know is the names of such papers separately which did not infringe the purpose of successfull prosecution of war or the defence of India

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. I may point out that if he did not want to trouble me about the names of newspapers——

Dr. NALINAKSHA SANYAL: No; no. I wanted to know specific reasons for each newspaper——

Mr. SPEAKER: I cannot understand why are you beating about the bush.

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister does not answer with reference to groups, I have to ask specifically with regard to each newspaper?

Mr. SPEAKER: You can ask questions as to whether there is any case in which the rules were brought into operation for reasons other than the prosecution of war.

Dr. NALINAKSHA SANYAL: I amend my question as you have stated. Will the Hon'ble Minister be pleased to state if there is any newspaper in the statement given here in the case of which the orders were issued for having done something other than an act which might prejudicially affect the prosecution of war or the defence of India?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable members have always made mistakes in taking up the words "prosecution of war or the defence of India." They forget that in the rules it is stated what are the acts which will be considered as prejudicial to the prosecution of war or the defence of India, and all those things come within their purview. Therefore, it is not possible to answer any question like this, viz., that these were the acts for which the prosecution of war and the defence of India were prejudicially affected. In every one of those cases in which action was taken, it was taken, I maintain, on the ground that it acted in a manner which prejudicially affected the prosecution of the war and the defence of India.

Dr. NALINAKSHA SANYAL: Does No. 29 in the list against which an order was issued come under this category?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that according to your ruling, individual question cannot be asked from the list.

Dr. NALINAKSHA SANYAL: As it is inconvenient to the Hon'ble Minister——

Mr. SPEAKER: I think you have misunderstood the position. The position is that the Defence of India Act has certain powers arising out of war. The detailed grounds on which those powers can be brought into operation need not necessarily directly lead to or affect the war, but might be an act which would create an atmosphere prejudicial to the safety of the Empire.

Dr. NALINAKSHA SANYAL: I quite realise it, Sir. Otherwise, I would not have troubled the Hon'ble Minister to find out if there was any paper which was coming under some other category than the question of war. Otherwise, I should have noticed that all the printers, publishers and editors have been similarly treated. Such a comprehensive order could not have been made in regard to them unless it was in respect of the general question. I want to know if the Hon'ble Minister would be pleased, very graciously pleased, to give us at least the information relating to such newspapers as come under the first category mentioned in group (*b*), namely, those where the rules were brought into operation for reasons other than the prosecution of war. If the Hon'ble Minister says that there are none, then I would accept that answer.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is what I am saying and have always been maintaining in this House that there is none.

Dr. NALINAKSHA SANYAL: Where have you said it? Does the "Star of India" also come under that order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, otherwise the Defence of India Act cannot come in. It is only for war.

Dr. NALINAKSHA SANYAL: Thank you.

Mr. SPEAKER: The whole attitude is that if communal passions are inflamed, it may not have a direct effect on the prosecution of the war but such things create an atmosphere prejudicial to the safety of the country necessary in war times.

Dr. NALINAKSHA SANYAL: Then in that case, Sir, will you not allow me to put specific questions with reference to each and every paper?

Mr. SPEAKER: I will consider this matter. Next question.

Dr. NALINAKSHA SANYAL: As a matter of fact, Sir, I am still on my legs and was going to put a few other questions.

Mr. SPEAKER: But I have already called for the next question. So I cannot allow you to put any more questions.

Dr. NALINAKSHA SANYAL: Only one question, Sir. May I ask if Government is prepared to exercise similar caution with regard to the Secondary Education Bill and the Calcutta Municipal (Amendment) Bill and the publication of debates in that connection.

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir,——

Mr. SPEAKER: If you still persist I shall have to expunge it from the proceedings.

Prosecution made by the Calcutta Police for posting poster on buildings, walls, etc., in Calcutta.

*238. **Mr. JOGENDRA NATH MANDAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of persons prosecuted by the Calcutta Police, during the last three years—

(*a*) under sub-section 13 of section 66 of the Calcutta Police Act (Ben. Act IV of 1866);

(*b*) under sub-section 13 of section 66 of the Calcutta Police Act (Ben. Act IV of 1866) read with section 109 of the Indian Penal Code (Act XLV of 1860);

(*c*) under sub-section 13 of section 40 of the Calcutta Suburban Police Act (Ben. Act II of 1866); and

(*d*) under sub-section 13 of section 40 of the Calcutta Suburban Police Act (Ben. Act II of 1866) read with section 109 of the Indian Penal Code (Act XLV of 1860)?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 422.

(*b*) and (*d*) Nil.

(*c*) 135.

Conduct of Sub-Inspector of Police of Hajiganj.

*239. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that the case No. 7 of 1940, i.e., Government *versus* Fazlur Rahman and others of Baniacho, was dismissed by Mr. P. C. Das, Deputy Magistrate of Chandpur, Tippera, on the 29th April, 1940;

(*ii*) that in the abovementioned case the trying Deputy Magistrate of Chandpur in acquitting the accused remarked strongly against the conduct of the said Sub-Inspector of Police, Hajiganj, in his judgment;

(*iii*) that a separate charge-sheet prosecuting almost all the same accused of the abovementioned case was again submitted under section 376, Indian Penal Code, by the same Sub-Inspector of Police, Hajiganj; and

(*iv*) that the accused in this case under section 376, Indian Penal Code, were also acquitted on the 2nd June, 1940, by the Assistant Sessions Judge of Comilla in a sessions trial of the case No. 3 of May, 1940?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of making a departmental inquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) Yes, on the strength of the medical report and chemical examination of the cloth, the complainant was wearing at the time of rape.

(*b*) The matter is already under departmental investigation.

Mr. SHAHEDALI: Will the Hon'ble Minister please state whether in case No. 7 of 1940 when the accused was being acquitted, the learned Magistrate had remarked that the case had been instituted at the suggestion and prompting of the Sub-Inspector of Hajiganj?

Mr. SPEAKER: That question does not arise.

Mr. SHAHEDALI: Will the Hon'ble Minister please state with reference to answer (*b*), whether the department is enquiring as regards the judgment passed by the Magistrate against this Sub-Inspector?

Mr. SPEAKER: That question does not arise.

Mr. SHAHEDALI: Will the Hon'ble Minister please stat whether the judgment in this case will be placed before the depart ment?

Mr. SPEAKER: Perhaps your question would be in this form— whether in connection with this departmental investigation the judg ment will be placed before the officer: perhaps that is your point What is the good of writing out supplementary questions at hom when the question is so simple? Please first understand my point for I am trying to help you.

Mr. SHAHEDALI: All right, Sir. Thank you very much Will the Hon'ble Minister please state whether the judgment in thes cases will be placed before the departmental investigating officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, as a matter of fac this adverse comment made upon the Sub-Inspector is under depart mental investigation.

Mr. SHAHEDALI: Not only the comment in the judgment There are two cases. One was tried by the Chandpur Magistrate and another was tried by the Sessions Judge—whether both these judg ments will be placed before that officer?

Mr. SPEAKER: Please say which paragraph you are referring to.

Mr. SHAHEDALI: Paragraph (*a*) regarding case No. 7 of 1940 Then I refer to question (*iii*) regarding the case under section 376 Indian Penal Code.

Mr. SPEAKER: Your point is whether the judgments in both these cases will be placed before that officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already stated, Sir, the adverse comments in both these cases will naturally be investigated into.

Mr. SHAHEDALI: Will the Hon'ble Minister please state if it is a fact that no cloth was produced before the court at the time of instituting the case before the Magistrate at Chandpur?

Mr. SPEAKER: Out of what question this arises?

Mr. SHAHEDALI: This refers to question (*iii*) where the Hon'ble Minister has stated that the cloth was examined by the expert, and I want to know whether that cloth was produced before the court at the time of filing the case.

Mr. SPEAKER: I am sorry it is a matter for judicial action.

Mr. SHAHEDALI: But, Sir, it was referred to.

Mr. SPEAKER: It is the court's business to look to it, but you cannot ask the question here.

Mr. SHAHEDALI: Sir, the cloth was produced subsequently at the suggestion of the Sub-Inspector.

Mr. SPEAKER: Anyway, it is a matter for the court.

Mr. SHAHEDALI: All right, Sir, let me put this question in another way. Will the Hon'ble Minister please state whether the cloth in question was produced either before the Sub-Inspector or before the court?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice, Sir, so far as this question is concerned.

NON-OFFICIAL BILLS.

The State Provision Bill for Veterinary Hospitals and Stud Bulls, 1937.

Khan Bahadur MOHAMMED ALI: I beg to move that the State Provision Bill for Veterinary Hospitals and Stud Bulls, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st October, 1940.

Mr. SPEAKER: You have already moved it and so you need not move it again. You simply make your speech.

Khan Bahadur MOHAMMED ALI: All right, Sir. The purport of my very short and simple Bill is that it makes it obligatory on the part of Government to establish State Veterinary Hospitals in all the district headquarters of this province. It is really strange, Sir, that even under our benevolent and popular Government there are many district headquarters of this province where there are no such hospitals with the result that the agriculturists find it extremely difficult to

bring their ailing cattle for treatment at the outdoor dispensaries. The present Government have introduced many measures for the amelioration of the condition of the man behind the plough but, Sir, they have not paid the same amount of attention for ameliorating the condition of the cattle before the plough. I submit therefore, Sir, that the man behind the plough and the cattle before the plough are indissolubly linked together and it is imperative therefore that we should pay sufficient attention for safeguarding the well-being and the health of our cattle. Another important feature embodied in my Bill is the provision for the establishment and maintenance of an annexe for housing stud bulls for improving the breed of cattle. At present there is a tendency towards deterioration and degeneration of the breed of our cattle. Sir, I think that unless effective steps are taken to check this process of deterioration, the poor agriculturists of our province will be faced with a catastrophe and there may be dire consequences. Therefore, I think that we should in the interests and well-being of the poor agriculturists of this province pay some amount of attention for the improvement of the cattle which pulls the plough as we pay for the man that drives the plough.

This is a non-controversial Bill and I think that the opinion of the whole of Bengal will be in favour of the measure that I have introduced.

With these few words, Sir, I commend my motion to the acceptance of the House.

Mr. SPEAKER: I suggest that the date be changed from 31st October to 30th November, 1940. It is no good rushing. The Assembly is not going to meet earlier.

Khan Bahadur MOHAMMED ALI: I have no objection to the date being changed to 30th November, 1940.

The motion of Khan Bahadur Mohammed Ali, as amended, that the State Provision Bill for Veterinary Hospitals and Stud Bulls, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940, was then put and agreed to.

The Bengal Land Revenue Sales (Amendment) Bill, 1937.

Mr. SYED ABDUL MAJID: Mr. Speaker, Sir, I beg to move that the Bengal Land Revenue Sales (Amendment) Bill, 1937, be taken into consideration.

Sir, this is a very short Bill containing only three sections. According to the Civil Procedure Code, every sale can be set aside at the

instance of the person affected thereby on his depositing the amount due from him within a certain period of time. He can thus get an opportunity of recovering his property without causing any loss to anybody. The same principle has been extended to the Patni Sale Law by a recent amendment of the Bengal Patni Taluk Regulation, 1819. It is, therefore, proposed to give some such relief to the defaulting proprietors who have, by some unforeseen circumstances, failed to pay the revenue demand in proper time. The Bill further proposes to give some relief to other classes of people whose interests are destroyed by a sale under the Revenue Sales Law, because they do not find any opportunity of saving their property by payment of the arrears before the last date of payment. At the same time, it gives a better method of realization of arrears of revenues if the property is sold below the revenue demand and the sale is set aside in accordance with the provisions of this Act.

With these few words, I commend my motion for the acceptance of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move by way of amendment that the Bill be referred to a Select Committee consisting of—

(1) Maulvi Mohammad Mozammel Huq,

(2) Maulvi Serajul Islam,

(3) Maulvi Shamsuddin Ahmed Khondkar,

(4) Mr. Syed Abdul Majid,

(5) Mr. Dhananjoy Roy,

(6) Mr. Jatindra Nath Chakravarty,

(7) Mr. Dhirendra Nath Datta,

(8) Babu Shyama Prosad Barman,

(9) Mr. Syed Hasan Ali Chowdhury, and

(10) Mr. G. Morgan.

Dr. NALINAKSHA SANYAL: Sir, is the Hon'ble Minister acting on behalf of Government or exercising his right as a private member?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am moving this motion on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy.

With your permission, Sir, I want to add three more names, viz.—

(11) Mrs Abdul Wahab Khan,

(12) Mr. Mirza Abdul Hafiz,

(13) Mr. Atul Chandra Kuthar, and

(14) the Minister in charge (the Hon'ble Sir Bijoy Prasad Singh Roy),

with instructions to submit their report by 31st October (instead of 1st December), 1940, and that the quorum of the Select Committee be fixed at five.

Mr. SPEAKER: You cannot change the date at such a short notice.

The Hon'ble Khwaja Sir NAZIMUDDIN: If that is your ruling, Sir, the Select Committee may be instructed to submit their report by the 1st December, 1940.

Mr. DHIRENDRA NATH DATTA: Mr. Speaker, Sir, I want to speak a few words on this Bill. I am in full sympathy with the provisions of the Bill. But the Bill contains only three clauses, although it is a measure long overdue. There is a provision in the Bengal Tenancy Act that when a *jote* is sold, the judgment-debtor is entitled to deposit the decretal dues within a month. There is also a provision in the Patni Sales Law that when a *patni taluk* is sold, the *patni talukdar* is entitled to deposit the money and to have the sale set aside, and there is no reason why such a provision should not be in the Revenue Sales Law. When a sale is held, the zemindar should have the right to deposit the decretal dues and to have the sale set aside. To consider such a small Bill containing only three clauses, it is not necessary to have such a big Select Committee of 14 members. I submit, Sir, that the number be reduced.

Mr. SPEAKER: Sir Nazimuddin, what was the date you suggested?

The Hon'ble Khwaja Sir NAZIMUDDIN: I suggested 31st October, but you said 1st December should stand.

Mr. SPEAKER: I see the Opposition also agrees to the Bill. Do I take it that both sides agree to the change of date?

Mr. JOGESH CHANDRA GUPTA: Both sides are theirs.

Mr. SPEAKER: If you have no objection, then I can admit it.

Mr. DHIRENDRA NATH DATTA: There cannot be any objection to that. The matter can be disposed of in the course of one hour.

Mr. SPEAKER: If both sides are agreeable to having 31st October as the date for submission of the report of the Select Committee, then I won't stand in the way.

Dr. NALINAKSHA SANYAL: It is not a question of both sides agreeing. I believe the Hon'ble Minister knows that if it is a Government motion for a Select Committee, so far as the Congress Party is concerned, the position of the Party is not to participate in any Select Committee to which Government is referring any Bill under the circumstances, so long as the present conditions relating to the Calcutta Municipal (Amendment) Bill and the Secondary Education Bill continue——

Mr. SPEAKER: I have nothing to do with that. I have got the consent of Mr. Datta and Mr. Atul Chandra Kumar.

Mr. DHIRENDRA NATH DATTA: I shall make my position clear.

Mr. SPEAKER: Order, order. I don't want it.

Dr. NALINAKSHA SANYAL: Then they are withdrawing their consent, Sir.

Mr. SPEAKER: The question of withdrawal is beside the point. As a matter of fact, I have no authority over it until a proper motion is made for the withdrawal of the consent. It is for the House to decide.

Dr. NALINAKSHA SANYAL: Is it your ruling that even if a member whose name is read out gets up in the House and says that he is not prepared to serve on the Select Committee, the House will decide as to whether it should thrust upon him that responsibility or not? I am only seeking a ruling from you. If the member concerned who is present in the House gets up and says, "I do not want to serve on the committee," can you force that duty on him? It is a public duty. Under parliamentary convention in Great Britain once a name is suggested, it becomes incumbent on the member concerned to serve on the Select Committee, and if somebody absents himself, there is a penalty attached. This creates a very anomalous situation. I would like to have your ruling.

Mr. SPEAKER: My ruling is whether a member wishes to serve on a Select Committee or not he has to choose it for himself before the motion comes to me. Once consent has been given, I cannot change that. It is a matter for the House. So if a member after giving consent thinks that he should not serve, I have no jurisdiction over that. As I have said, it is a matter for the House.

Dr. NALINAKSHA SANYAL: So far as the consent is concerned, if the consent is given at a date prior to the date of the motion, the House has to consider whether at the time of the motion the consent was there. The question of consent arises at the time of the motion. It is only to help your department, Sir, that consent is sometimes given earlier.

Mr. SPEAKER: I think it is a matter of standing rules. You better see the parliamentary practice, according to which consent will have to be given earlier.

Dr. NALINAKSHA SANYAL: It is also parliamentary convention I believe—though I am not definite about it to-day—that if a member says that he is not in a position to serve he is always exempted because a penalty is imposed.

Mr. SPEAKER: Not exempted by the Speaker, but by the House. That is what I am saying.

Rai HARENDRA NATH CHAUDHURI: Not only that. He can offer his resignation.

Mr. SPEAKER: Yes.

The motion of the Hon'ble Khwaja Sir Nazimuddin (on behalf of the Hon'ble Sir Bijoy Prasad Singh Roy) by way of amendment that the Bill be referred to a Select Committee consisting of—

(1) Maulvi Mohammad Mozammel Huq,
(2) Maulvi Serajul Islam,
(3) Maulvi Shamsuddin Ahmed Khondkar,
(4) Mr. Syed Abdul Majid,
(5) Mr. Dhananjoy Roy,
(6) Mr. Jatindra Nath Chakravarty,
(7) Mr. Dhirendra Nath Datta,
(8) Babu Shyama Prosad Barman,

(9) Mr. Syed Hasan Ali Chowdhury,

(10) Mr. G. Morgan,

(11) Mr. Abdul Wahab Khan,

(12) Mr. Atul Chandra Kumar,

(13) Mr. Mirza Abdul Hafiz, and

(14) the Hon'ble Minister in charge (Sir Bijoy Prasad Singh Roy), with instructions to submit their report by the 31st October, 1940, and that the quorum of the Select Committee be fixed at five, was then put and agreed to.

The Hours of Work Bill, 1937.

Mr. SPEAKER: This Bill cannot be taken up to-day. It will stand over.

The Bengal Tenancy (Amendment) Bill, 1937.

Mr. MD. ABDUL JABBAR PALWAN: Sir, I beg to move under the proviso to rule 19(2) of the Bengal Legislative Assembly Procedure Rules that the Bengal Tenancy (Amendment) Bill, 1937, be continued.

The motion then was put and agreed to.

Mr. MD. ABDUL JABBAR PALWAN: Sir, I beg to move that the Bengal Tenancy (Amendment) Bill, 1937, be taken into consideration.

সভাপতি মহাশয়, এই Billএ Statement of Objects and Reasonsএ বলা হয়েছে যে—This Bill is intended for putting a stop to (1) ejectment of under-*raiyats* to a certain extent; (2) abnormal increment of rent of the under-*raiyats*; (3) deposit of the landlords' dues at the time of review of *ex-parte* rent decree, by a tenant; (4) the ejectment of the non-permanent tenure-holders of the district of Rangpur and the Dewanganj and Islampur thanas of the Mymensingh district; (5) to provide the facility of selling the non-permanent tenures in the abovementioned areas.

Mr. Speaker, গতবার যখন Bengal Tenancy Act পাশ হয় সেই সময় আমি কোয়ালিশন partyতে ছিলাম সেই সময় এই বিষয়গুলিও Tenancy Billএ দেওয়ার কথা ছিল, কিন্তু তাড়াতাড়ি করার জন্য ভারপ্রাপ্ত মন্ত্রী আমাকে বলেছিলেন যে পরে একটা amendment করে দেওয়া যাবে, এবং এর কাগজপত্র Premier সাহেব নিয়েছিলেন, কিন্তু, তাঁর ভুলক্রমেই হ'ক বা যে কোন

কারণেই হ'ক, সেটা তাতে স্থান পায় নি, তাই আমি private ভাবে এই Billটা আনছি। এই Billটা প্রজাদের পক্ষে বড়ই আবশ্যকীয়। এই Tenancy Bill-এ প্রজাদের সমস্ত যা কিছু দরকার তা নেই কেবলমাত্র নেহাত কতকগুলি জিনিষ যা খুব প্রয়োজনীয় তাই এর ভিতর দেওয়া হয়েছে। একটা হচ্ছে—*raiyats*এর অধীনে under-*raiyats*দের উচ্ছেদ করা হয়, সেই উচ্ছেদ যাতে বন্ধ করা যায় তার একটা ব্যবস্থা আমি এই Billএ করেছি। আর একটা কথা হচ্ছে কি,—under-*raiyats*এর খাজনা আইনে করেছে যে যত ফসল হবে তার ($\frac{1}{3}$), এক তৃতীয়াংশ পর্য্যন্ত খাজনা বৃদ্ধি করা চলবে—এই রকম আইন করা হয়েছে। এটা খুব শক্ত, সেইজন্য এটাকে পরিবর্ত্তন করে আমি সংশোধন দিয়েছি যে যত ফসল হবে তার ($^1/_{10}$), এক দশমাংশ পর্য্যন্ত খাজনা বৃদ্ধি হতে পারবে। এর চেয়ে বেশী খাজনা নির্দ্দিষ্ট হতে পারবে না।

তারপর আর একটা কথা হচ্ছে যে—অনেক সময় দেখা যায়, অনেক land-lord তারা প্রজাকে না জানিয়ে *ex-parte* decree করে এবং তারপর প্রজাকে বে-কায়দায় ফেলে এবং প্রজা যদি জমিদারের সমস্ত পাওনা টাকা আমানৎ করে তবেই ছানি করতে পারে আর তা না হলে ছানি করতে পারে না। তার ফলে অনেক রকম অত্যাচার, অনাচার ও অনিষ্ট করা হয়, এমন কি অনেক সময় হয়ত পাওনা যত টাকা নয় তার চেয়েও অনেক বেশী টাকা দাবী করে decree করে নেয় এবং প্রজারা সেই (decree) টাকা দিতে পারে না এবং ছানিও করতে পারে না। সেইজন্য আমি,—এই Billএতে যাতে *ex-parte* decreeইর সময় ছানি করলে প্রজাকে টাকা জমা আর না দিতে হয় তার ব্যবস্থা করেছি।

আর একটা দিয়েছি কি,—রংপুর জেলা এবং ময়মনসিংহ জেলার মধ্যে কতকগুলি জলা permanent settlementএর আগে থেকে আছে। আমি Glazier সাহেবের report থেকে দেখেছি সেই সময় পর্য্যন্ত এই সমস্ত জোতের অস্তিত্ব ছিল এবং চিরস্থায়ী বন্দোবস্ত এর আগে থেকেও ছিল। কিন্তু, প্রজার অজ্ঞতাবশতঃই হউক, আর যে কারণেই হউক, বা জমিদারের কারসাজিবশতঃই হউক, সেই সমস্ত জোতে চিরস্থায়ী বন্দোবস্ত ক'রতে পারে নি। তারপর ১৯১১ সনে যখন Mymensinghএ settlement আরম্ভ হয় তখন প্রজারা দাবী করেছিল যে এগুলি তাদের চিরস্থায়ী মধ্যস্বত্ব, কিন্তু, জমিদারেরা বললে না এগুলি চিরস্থায়ী মধ্যস্বত্ব নয়। এই ভাবে settlementএর পর মকদ্দমা আরম্ভ হ'ল। কিন্তু, রংপুর এবং পাতিলাদহের সমস্ত জোতগুলি প্রকৃত প্রস্তাবে, প্রজাদের চিরকাল ভোগের যোগ্য ছিল এবং তার ভিতর বেচা-কেনা প্রথা চিরকাল প্রচলিত ছিল, তা সত্বেও সেই জোতগুলি আইনের মারপ্যাঁচে পড়ে non-permanent বা অস্থায়ী মধ্যস্বত্বে পরিণত হয়ে গেলো। High Court থেকে ruling দিয়েছে permanent শব্দটা কেটে দেওয়া হোক, এবং এর জন্য অনেক মামলা মকদ্দমা পর্য্যন্ত হয়ে গিয়েছে। পুনরায় High Court থেকে decision বা সিদ্ধান্ত হয়েছে যে পাতলাদহ পরগণায়, যে তিন রকম জোত ছিল, সে তিন রকমই রাইয়তী জোত। তারপর, জমিদাররা প্রত্যেকটা case

মামলা করেছে, কিন্তু, প্রজারা যারা মামলা করতে পারে নি; বাধ্য হয়ে তাদের non-permanent tenant হয়ে থাকতে হয়। যাতে প্রজাদের মামলায় হায়রাণী করতে না পারে সেই জন্য আমি এই প্রস্তাব দিয়েছি রংপুর জেলা, পাতলাদহ পরগণা, ময়মনসিংহ এবং ইস্‌লামপুর থানার অন্তর্গত যত মধ্যস্বত্ব জোত আছে সেখানে বেচাকেনা করবার চিরস্থায়ী ভোগদখল করবার অধিকার সাব্যস্ত করা হউক—আমি এ Billএ তাই দিয়েছি। আমি বেশী কিছু চাইনি, যা তাদের ছিল আমি সেই স্থিতিবানস্বত্ব দাবী করেছি। আরো বলছি, বাংলাদেশে কোথাও যদি এমন অবস্থা হয়ে থাকে তাহলে গভর্ণর বাহাদুর ইচ্ছা করলেই আইনের ধারাকে সেখানেও এই ধারা বলবত করতে পারেন—আমি এটাও Billএ দিয়েছি। আপনারা চিন্তা করে দেখুন, আমি Billএ এমন কিছু অন্যায় দিই নি। অনেকে বলেন আমাকে, আপনি নিজে জোতদার, কোর্কা প্রজাদের স্বত্ব দেবার জন্য দেখিব Billএ কি করেন। আমি যাতে কোর্কা প্রজাদের eject করতে না পারে সেই জন্য Bill এনেছি। যাতে কোর্কা প্রজাদের অতিরিক্ত খাজনা বৃদ্ধি না করতে পারে জোতদারেরা সেই ব্যবস্থাও করেছি। আইনের sectionএ বলছে one-third পর্য্যন্ত খাজনা বৃদ্ধি করতে পারবে, সেখানে আমি suggession দিয়েছি যে খাজনা one-tenthএর বেশী বৃদ্ধি হওয়া উচিৎ নয়। কারণ, বাংলাদেশের প্রজাদের সঙ্গে যারা পরিচিত, বাংলার পল্লী অঞ্চলের সঙ্গে যারা পরিচিত তারা বাংলার প্রজাদের অত্যধিক খাজনার কথা, তা সকলেই স্বীকার করবেন। বাংলার প্রজারা যে খাজনা দেয়, প্রকৃত প্রস্তাবে বলতে গেলে সেই খাজনা free হওয়া উচিৎ। কারণ বাংলার কৃষক প্রজারা যা সামান্য টাকা পায় তার দ্বারা সমস্ত খাজনা মিটাইয়া, তাদের পরিবারের ভরণপোষণের এবং কৃষিকার্য্যের জন্য কোন টাকাই থাকে না; সেই জন্য প্রকৃত অবস্থায় তাদের rent-free হওয়া উচিৎ। কিন্তু rent-free হওয়া তো দূরের কথা, তাদের খাজনা উত্তরোত্তর বৃদ্ধি হচ্ছে তার উপর আবার শিক্ষাকর বসেছে। আমি আশা করি আমার কোয়ালীশনী বন্ধুগণ একগুয়েমী না করে, প্রজাদের দিকে তাকিয়ে আমার এই Billটা দয়া করে সমর্থন করবেন। কারণ, তারা যে প্রজাদের কাছ থেকে vote নিয়ে এখানে এসেছেন, এটা সেই প্রজাদেরই কথা।

আমি আশা করি, আমার কোয়ালীশনী বন্ধুবর্গ, আমার এই Billটাকে আমার জরুরি খাজনা হ্রাস ও শিক্ষা Billএর মত সংহার না করে এই Billটাকে তাঁরা পাশ করে দেবেন।

With these few words I move my Bill for the acceptance of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move, by way of amendment, that the Bengal Tenancy (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st of July, 1941.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I rise to oppose the motion moved by Sir Nazimuddin.

Sir, on more than one occasion, I have requested Government to be more frank, to be more straightforward and to be more businesslike. Sir, this process of circulation and recirculation of Bills certainly involves expenditure from the public exchequer. Sir, when there is real necessity for circulation of a certain Bill, Government will not agree to that. But when they are themselves interested in a certain Bill, they will never agree to circulation. Sir, I will not mention any particular Bill. (The Hon'ble Khwaja Sir NAZIMUDDIN: "Why not? Do it.") I say, Sir, with regard to the Calcutta Municipal (Amendment) Bill, we are doing our level best to convince Government about the necessity of circulating this Bill, but I am doubtful whether Government will agree to it. But, Sir, when Government know and know very well that they will not agree to a particular Bill, they say that the Bill be circulated for eliciting public opinion. In course of time the opinion will come and then Government will again come forward with another motion that the Bill be recirculated. Sir, I can agree with Sir Nazimuddin if he gives us this assurance that he or his colleagues will not again move for the recirculation of the Bill for eliciting public opinion. Sir, I am prepared to withdraw opposition if the Hon'ble Minister would only give us the assurance that he will be guided by public opinion in regard to this particular Bill and after this Bill is circulated, if public opinion is in favour of this Bill, the Hon'ble Minister will take it as a Government Bill and introduce it in the House as early as possible. Sir, on this assurance I am prepared to support the Government motion.

Sir, with these few words I oppose the motion of the Hon'ble Sir Nazimuddin.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of July, 1941, was then put and a division taken with the following result:—

AYES—90.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Miridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddeja, Mr. Syed.
Baret Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.

Biswas, Mr. Kanik Lal.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Dass, Babu Debendra Nath.
Edhar, Mr. Upendranath.
Farhad Raza Choudhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Gomes, Mr. S A.
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hendry, Mr. David.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtab, Maharajkumar Uday Chand.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Soleiman, Khan Sahib Maulvi.
Mukerjee, Mr. Taraknath, M.B.E.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Saifruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Hadj Maulana Dr
Sarkar, Babu Madhusudan.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.

NOES—41.

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Banerjee, Dr. Suresh Chandra.
Barman, Babu Shyama Prosad.
Biswas, Babu Lakshmi Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Monmohan.
Datta, Mr. Dhirendra Nath.
Deoli, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Ganguly, Mr. Prafui Chandra.
Ghose, Mr. Atul Krishna.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Khan, Mr. Debendra Lall.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sur, Mr. Harendra Kumar.
Wahiur Rahman, Maulvi.

The Ayes being 90 and Noes 41, the motion was agreed to.

The Bengal Medical (Amendment) Bill, 1940.

Dr. SANAULLAH: I beg to move for leave to introduce the Bengal Medical (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. MAQBUL HOSAIN: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Bengal Tenancy (Amendment) Bill, 1940.

Maulvi MUHAMMAD ISRAIL: I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

Maulvi MUHAMMAD ISRAIL: I beg to move that the Bengal Tenancy (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Sir Bijoy Prasad Singh Roy,
(2) Maulvi Abdul Hakim (Mymensingh),
(3) Maulvi Ahmed Ali Mridha,
(4) Mr. Mirza Abdul Hafiz,
(5) Mr. Dhirendra Nath Datta,
(6) Mr. Atul Chandra Sen,
(7) Mr. Rasik Lal Biswas,
(8) Maharaja Sashi Kanta Acharyya Choudhury, of Muktagacha,
(9) Maulvi Maniruddin Akhand,
(10) Mr. Md. Mohsin Ali,
(11) Mr. Abdulla-al Mahmood,
(12) Mr. Jatindra Nath Basu,
(13) Mr. Niharendu Dutta Mazumdar,
(14) Mr. F. C. Brasher,
(15) Maulvi Abul Quasem,
(16) Kazi Emdadul Haque, and
(17) the mover.

with instructions to submit their report by the 30th October, 1940, the number of members forming the quorum being five.

Sir, in moving for reference of this Bill to a Select Committee, I would like to draw the attention of the House to some of the provisions that have been incorporated in the Bill. Section 2 of the Bill proposes to abolish sections 23 and 25 of the Bengal Tenancy Act, 1885, wherein

if any *hât*, bazar or anything is established in an occupancy holding under section 23, it becomes ejectable if it is used for purposes other than one for which it has been leased. Penalty is also provided under section 25. Therefore, so long as these two provisions will remain, there cannot be any *hât*, bazar or residential quarters in an occupancy holding. As soon as any residence is erected in an occupancy holding or any other thing is done, the tenant becomes ejectable. Now the agriculturalists require subsidiary occupation as has been pointed out by the Royal Commission. The economic difficulty that exists in Bengal to-day is practically due to the ever-increasing pressure of population on land. It is stated on page 86 of the Report of the Royal Commission as follows:—"We consider the pressure of population on land is the ultimate cause of Bengal's economic trouble." So if the present set of law continues, the tenant will not get any opportunity to erect any shop or other things without being ejectable under the present law. My proposition, therefore, is that sections 23 and 25 be deleted from the Bengal Tenancy Act. My other proposal is the permanent abolition of the provision in the Bengal Tenancy Act of 1933 that the enhancement of rent be suspended for 10 years pending an enquiry by a competent authority. The Government of Bengal appointed the Revenue Commission and the Commission in its majority report pointed out at page 16 where it is said that the intention of the authors of the Permanent Settlement was therefore to confirm *khudkast raiyats* in their existing customary rights and to provide against enhancement beyond the pargana rates and against arbitrary exactions.

So it is apparent, Sir, from the above observation that the enhancement of an occupancy *raiyat's* rent was not contemplated by the Permanent Settlement and hence like *abwabs* and illegal exactions of the zemindars, the sooner it goes the better for the country. The Revenue Commission has found that enhancement of rent is not based on the regulations on which the Permanent Settlement was based. Fixity of rent was secured to the *raiyats*, particularly the *khudkast raiyat*, as much as the fixity of land revenue was secured to the zemindars. So after this finding of the Revenue Commission, it is quite fair and equitable that enhancement of rent should be permanently abolished. Therefore, I have proposed that all the sections of the Act dealing with enhancement of rent, namely, sections 29, 30, 31A, 32B and 33-37 should be deleted from the Bengal Tenancy Act. The Revenue Commission has in its report stated that the homestead area of an occupancy *raiyat* is exempt from rent in all the provinces which they visited. They have said that in Madras, in the United Provinces and also in the Punjab homestead land is exempt from the payment of any rent. If that be so, Sir, I find no reason why the homestead land in Bengal should not be exempted from the payment of rent and I have made a similar provision accordingly. Now my other proposal is that the

Revenue Commission has stated that so far as reduction of rent is concerned, there is one section, namely 38, which provides for reduction of rent, but the rules made under that section provide that unless there is a decrease in the price of food crops for 10 years the rent cannot be reduced. Therefore, the Revenue Commission has suggested that the words "or equitable" should be added in section 32 so that if the court finds that the rent should be reduced within a period less than 10 years, then the court shall have discretion to do that. So to that effect I have proposed that the words "or equitable" be added to section 32. All these amendments are quite necessary and urgent. So I think that they should be accepted and relief given to the tenants.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon with your permission by the 31st of January, 1941, instead of 31st July as originally proposed.

Mr. SYED JALALUDDIN HASHEMY: For once I agree with Sir Nazimuddin that this Bill may be circulated. (Laughter.)

Maulvi MUHAMMAD ISRAIL: I accept the amendment of the Hon'ble Minister.

The motion of the Hon'ble Khwaja Sir Nazimuddin was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. CHARU CHANDRA ROY: Sir, I beg for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Bengal Prevention of Brothels in Fairs Bill, 1940.

Mr. JATINDRA NATH CHAKRABARTY: Sir, I beg to move for leave to introduce the Bengal Prevention of Brothels in Fairs Bill, 1940.

(The Secretary then read the short title of the Bill.)

The Bengal Hindu Widow Remarriage Propagation Bill, 1940.

Mr. MONMOHAN DAS: Sir, I beg to move for leave to introduce the Bengal Hindu Widow Remarriage Propagation Bill, 1940.

(The Secretary then read the short title of the Bill.)

Mr. MONMOHAN DAS: I also beg to move that the Bengal Hindu Widow Remarriage Propagation Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Musharruff Hossain, Khan Bahadur,
(2) Maharaja Sashi Kanta Acharyya Choudhury, of Muktagacha, Mymensingh,
(3) Dr. Syamaprasad Mookerjee,
(4) Mrs. Hemaprova Majumdar,
(5) Mr. Atul Chandra Kumar,
(6) Mr. Nishitha Nath Kundu,
(7) Babu Narendra Narayan Chakravarty,
(8) Mr. Charu Chandra Roy,
(9) Sj. Narendra Nath Das Gupta,
(10) Babu Kshetra Nath Singha,
(11) Mr. Dhananjoy Roy,
(12) Mr. Niharendu Dutta Mazumdar,
(13) Mr. B. Mukherjee,
(14) Mr. Surendra Nath Biswas,
(15) Rai Jogesh Chandra Sen Bahadur, and
(16) the mover,

with instructions to submit their report by the 15th November, 1940, the number of members forming the quorum being five.

Sir, I do not like to inflict a long speech on this House——

Mr. SYED JALALUDDIN HASHEMY: Not a single Muslim in the Select Committee?

Dr. NALINAKSHA SANYAL: And not even a widow on the committee—though there is a widower?

Mr. SPEAKER: I think the Hon'ble Nawab Musharruff Hossain is quite enough and is a host in himself. (Laughter.)

Mr. MONMOHAN DAS: Sir, I do not like to inflict a long speech on the House in support of my Bill. The best motive of the Bill is to allow every woman to enjoy her birth and natural rights; to wipe away the tears of the Hindu widows of Bengal and to place them on the pedestal of happiness, comfort and freedom; in the name of righteousness to do justice to the womenfolk by allowing them to remarry when they

are widowed, and in every field of activity and in the equality of man and woman to give equal rights to our mothers and sisters in respect of their remarriages. (Dr. NALINAKSHA SANYAL: "In respect of mothers also?") Yes, mothers also, but if the House does not like it, I am prepared to drop that word.

At the outset, Sir, I would just place before the House under what unbearable sufferings the Hindu widows of Bengal are forced to lead their unhappy and miserable lives and how they are deprived of their birth and natural rights in the name of the *Shastras*. May I remind my honourable friends of this House, particularly my Hindu friends, who are the elite of Bengal, that Act XV of 1856, that is to say, the Hindu Widow Remarriage Act, has been on statute book for 84 long years, but my elite Hindu friends are still turning a deaf ear to the painful cries of our helpless widows!

The Act of 1856 has failed in its objects due to the permissive nature of the Act, whereas it has now become necessary to introduce some amount of compulsion due to the deplorable condition of the Hindu widows.

Sir, it will not be enough to say that, taking advantage of the inherent simplicity and physical weakness of the womenfolk, the male section of the Hindu community ruthlessly oppressed them in the past and are still oppressing them by a mere bluff of piety and thereby flattering them that they would gain the heavenly blessings at the end of their miserable days which, in fact, is nothing but deception played by the Hindu males upon our helpless widows and sisters in the guise of *Shastras*! Sir, what an irony of fate for our womenfolk that their sons have ungratefully made cruel laws against their mothers without whose milk of human kindness they could not live or thrive under the sun! I think, Sir, that the downfall of the Hindu community of to-day is mainly due to the great sin committed by the males who have deprived the widows of their birth and natural rights. Sir, I can say that nations have been or will become great by honouring and acknowledging the rights of the womenfolk and no nation can become great in this world by disregarding the cause of womenfolk. I can say also that the Hindus were one of the greatest nations in this world when they took pride in honouring and worshipping their mothers. But the Hindus have been ruining themselves since the day when they began to abhor them instead of adoring them with the offerings of proper rites.

Sir, the custom of life-long enforced widowhood exists in no part of the world excepting this our unhappy land! Millions of widows are being sacrificed at the altar of this custom. It is not enough to say that such a custom may be the custom of monsters, but should not

be of men! In the name of humanity it is time, I think, that this great crime, this great sin and this great sorrow should be uprooted and flung away from the heart of our country, so far as the Hindu community is concerned.

Of course, some members of the Opposition may say that as a result of this Bill the Hindu widowers will be deprived of their personal liberty in respect of their remarriages. (Mr. NISHITHA NATH KUNDU: No.) Mr. Nishitha Nath Kundu says "no," and I am glad to have his support. The Opposition may also say that such a custom exists in no part of the world.

Mr. SPEAKER: There is no law or custom in any part of the world that a widower must marry only a widow.

Mr. MONMOHAN DAS: In reply to that, I am justified in saying that such life-long enforced widowhood exists nowhere else and among none but the Hindus.

A well-established custom such as enforced widowhood cannot be abolished without legislation. No reform can be made without legislation even in socially, politically and educationally advanced countries of the West.

I submit that some Hindu widowers may be deprived of their personal liberty in respect of their remarriages for some years, but not for ever. But on the other hand, millions of our sisters and daughters will get the rights of humanity whereby they will be in a position to enjoy the amenities of life.

I shall clear my position from the Census Report of 1931 that there will be no difficulty in getting our maids married, but on the other hand several widows of tender age, who now live with the families of either their parents or fathers-in-law, will get themselves married.

Now let me come to the figures. According to the Census Report of 1931, the total poplation of Hindus is 2,22,12,069. Of these, the total number of males is 1,16,39,285 and that of females 1,05,72,784. From these figures it will be seen that the number of males is greater than the number of females by 10,66,501. Of the females, 23,86,657 are widows; 2,19,653 widows are leading their lives as Baishnabis and 1,17,220 widows are recognised as *jhees* and maid-servants as the case may be. We find that there exist in Bengal in all 26,23,530 widows and that the number of females is also smaller than the number of males by 10,66,501. That being the position, we can easily say that 36,89,831 males are to remain unmarried if one male marries one female. That is, about 80 lakhs of Hindu males can lead their married life.

Now, Sir, may I again place before the House in detail the painful pictures of the widows according to their ages as we find from the Census Report of 1931:—

Years.				
From	1—5	...	...	3,015
,,	5—10	...	...	11,805
,,	10—15	...	...	25,083
,,	15—20	...	...	90,105
,,	20—25	...	...	140,752
,,	25—30	...	...	219,254
,,	30—35	...	...	247,372
,,	35—40	...	...	281,506
,,	40—45	...	...	282,738
,,	45 (upwards)	...	...	1,085,026

The number of widows is 23,86,657 and the number of widowers is 5,28,294 in all. I do not like to trouble the House with detailed figures for different age groups so far as widowers are concerned, because the time at my disposal is short.

Somebody says that in some communities the number of females is greater than the number of males which is absolutely untrue, because even among *Brahmins*, *Kayastas* and *Baidyas* the number of males is greater than the number of females. I find the following figures in the Census Report of 1931. Among the *Brahmins*, the number of males is 7,88,513 and the number of females 6,67,669; among the *Kayastas*, the number of males is 8,19,902 and the number of females 7,38,504 and among the *Baidyas* the number of males is 57,627 and the number of females 53,112.

On the whole, we find that the number of widowers is more than 5 lakhs, whereas the number of widows is more than 3 lakhs between the ages of 5 to 25. If my suggestion is accepted, the problem of tender aged widows can be solved to some extent. It may be said that there should be some limit with regard to the age of the widowers. I submit that if there be any limit, every widower may take advantage of age limit.

Before I resume my seat, I would like to appeal to you in the name of young children of Bengal who are widowed at the tender age of 10 or 12 to remove the curse of enforced widowhood. I would also appeal to you in the name of suffering of humanity to help the cause of destitute widows. In the name of equality of men and women and in every field of activity, I would appeal to you to give equal rights to

them. Lastly, Sir, I appeal to all my friends, Hindus, Muslims and Christians alike, to take up the cause of these poor women and work whole-heartedly to confer birth and natural rights on women.

With these words, Sir, I commend my Bill to the acceptance of the House.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th July, 1941. Sir, I want to say only a few words about this Bill. Here my friend wants to introduce a novel principle in the matter of marriages of widows. I doubt if the widowers can be persuaded to follow the principle——

Mr. CHARU CHANDRA ROY: On a point of information, Sir——

Mr. SPEAKER: I cannot give any information either about the widows or widowers. (Laughter.)

Mr. CHARU CHANDRA ROY: On a point of order, Sir. আমার জিজ্ঞাস্য এই যে নবাব বাহাদুর অতি বৃদ্ধ। তাঁর পক্ষে বিধবা বিবাহ সম্বন্ধে কিছু অভিমত দেওয়া ঠিক হবে?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I doubt if the widowers would agree to the proposal of my friend. (Mr. SURENDRA NATH BISWAS: That is why legislation is necessary.) But if they do so, law will not prevent them from doing so. As the mover of the motion wants to introduce a novel principle of marriage, I desire that the Bill should be circulated for the purpose of eliciting opinion thereon. If after the opinion is gathered and the volume of opinion is in favour of the Bill, then there will be no difficulty for us to accept it. I hope my friend will accept my proposal.

Mr. SYED JALALUDDIN HASHEMY: Sir, I want to oppose this motion after the prayer interval. I shall finish in three minutes.

Mr. SPEAKER: Do you want to deliver a speech on this motion?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir. I shall be very brief.

Mr. Khwaja SHAHABUDDIN: This is interesting. We want to hear him.

Mr. SPEAKER: When the Government Whip is taking up your cause, I can't help it. (Laughter.)

(At this stage, the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, of all the honourable members of the Cabinet the Nawab Sahib is hardly embarrassed by the Opposition for the simple reason that he is innocent though not virtuous. To-day, Sir, of all days we feel it our duty to oppose this circulation motion moved by the Hon'ble Nawab Sahib. Sir, there cannot be any reason for the circulation of this Bill. I do not propose to take the Nawab Sahib to the Vedic Age or, say, to the time of ascendency of Buddha in India. From the time of the late Iswarchandra Vidyasagar to this day, we know the sufferings, the untold miseries of the widows of Bengal. Therefore, Sir, it is simply unnecessary to circulate this Bill. Let it be referred, Sir, as suggested by the mover to the Select Committee. The Select Committee, if necessary, will change, alter or amend the Bill whenever and wherever they think it necessary.

Sir, we have heard *ad nauseum* that this Government is a popular Government. Let us assume for argument's sake that this is a popular Government, and at the head of this Government there is the formidable and invincible Coalition Party, (Mr. ATUL CHANDRA KUMAR: Maginot line!) and the Mussalmans form the majority of this Coalition Party. With regard to the opinion of the Mussalmans of Bengal, nay of the whole world, they will certainly support widow remarriage; they have supported it and they are supporting it. Sir, the duty of this popular Government will be to pass this popular measure, as proposed by the mover. Sir, there are members in this House who have already championed the cause of the widows and they have set examples—noble examples—by marrying widows even though they had been bachelors.

Sir, the representatives of the Hindus, the Caste Hindus, the Scheduled Castes, the Muslims and the Europeans are all here and they are the authority; they are the persons who can here and now give their opinions as regards the provisions of the Bill proposed this evening.

Sir, by circulating this Bill, the Nawab Sahib simply proposed to shelve it for good. Sir, written opinions are there, the opinions of authorities, the opinions of Hindu divines are there, and, Sir, the examples set by the advanced section of the Hindus are there. Therefore, it is simply absurd to suggest that this Bill be circulated for eliciting public opinion. Sir, I would request the Hon'ble the Nawab Sahib to be businesslike. Let him accept this Select Committee

motion. Even now, Sir, he has got opportunity to add or change some of the names proposed on the Select Committee by the mover. No useful purpose will be served by circulating this Bill, and, I hope, the Coalition Party, whose description I have already given, will come forward to do at least some good to the Hindus of Bengal this time. When an opportunity has come of itself, I think, they will not go back and support the motion of the Nawab Sahib. I appeal—I have individually appealed and I appeal generally to all the members of the Coalition Party, Muslims and Hindus—to support this Select Committee motion and expedite the passing of the Bill so that we can see that this noble Act is passed during our time as members of the Legislative Assembly.

The motion of the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, by way of amendment, that the Bengal Hindu Widow Remarriage Propagation Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 15th July, 1941, was then put and agreed to.

The Transfer of Properties (Bengal Amendment) Bill, 1940.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move for leave to introduce the Transfer of Properties (Bengal Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Bengal Tenancy (Amendment) Bill, 1940.

Maulvi AZHAR ALI: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

Maulvi AZHAR ALI: Sir, I beg further to move that the Bengal Tenancy (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941.

Sir, my original motion was for 30th September, 1940. But as there is an amendment tabled by the Hon'ble Minister for changing the date to "30th September, 1941," I accept that amendment.

Sir, in introducing this short Bill, I beg to point out before the House that by sections 25 and 155 of the Bengal Tenancy Act, landlords at any time can eject tenants for holding any *hat* or bazar or market in their holdings. In mufassal areas, we have experience that agriculturists often suffer a good deal for not getting better marketing

facilities to buy and sell their agricultural produce, as in large areas there are no markets or bazars. So, in these two sections, I propose to add two provisions which will say that the holding of any market or bazar or *hat*, will not be considered as a condition which will render the tenancy unfit for the purpose and the holding of such markets will not be a condition for ejectment.

Sir, with these few words, I commend my motion to the acceptance of the House.

The motion of Maulvi Azhar Ali that the Bengal Tenancy (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th September, 1941, was then put and agreed to.

The Bengal Fisheries Bill, 1940.

Mr. AMRITA LAL MANDAL: Sir, I beg to move for leave to introduce the Bengal Fisheries Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Bengal Marriage Dowry Prohibition Bill, 1940.

Maulvi IDRIS AHMED MIA: Sir, I beg to move for leave to introduce the Bengal Marriage Dowry Prohibition Bill, 1940.

(The Secretary then read out the short title of the Bill.)

Maulvi IDRIS AHMED MIA: I beg further to move that the Bengal Marriage Dowry Prohibition Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940.

মাননীয় সভাপতি মহাশয়, জাতীয় জীবনের যে সব আবর্জ্জনা আমাদের বাঙালী জাতির জাতীয় জীবনের অধঃপতন এনেছে—পণপ্রথা তার মধ্যে অন্যতম। এই পণপ্রথা এতদিন প্রধানতঃ হিন্দু সমাজেরই অনিষ্ট কোরে এসেছে। বর্ত্তমানে এটা আমাদের মুসলমান সমাজের ধনী লোকদের মধ্যেও খুব প্রবল আকারে প্রবেশ কোরেছে। যাঁরা এই জিনিষটা অবহেলা কোরতে চান তাঁরা এটাকে ভালো কোরে বুঝ্তে চেষ্টা করেন না এবং তাঁরা জাতীয় জীবনের অবনতির দিকে দৃষ্টি দিয়েছেন বোলে মনে হয় না। আজ দেশের এই জঘন্য প্রথা দূর করার জন্য বাস্তবিকই গভর্ণমেণ্টের কিছু করা দরকার এবং এই প্রথাটা অবিলম্বে বাংলা থেকে যাতে দূর হয় প্রত্যেক মুসলমানেরই এবিষয়ে চেষ্টা করা উচিত।

এখন কথা হোচ্ছে এই যে আইনের দ্বারা ইহা কতদূর দমন করা যাবে? যদি বাস্তবিক দেখা যায় যে আইন কোরে আমরা কোন সামাজিক কুপ্রথা একেবারে দূর কোরতে না পারি, তাহলেও আইনের সাহায্যে অন্ততঃ কিছু কিছু কোরে যাতে আমরা এ বিষয়টার দমনের দিকে অগ্রসর হোতে পারি তা কোরতে আমি কোন বাধা দেখি না।

আজকাল ছেলেরা অনেকেই লেখাপড়া শিখে বিয়ে কোরতে চায় না। যেহেতু তাদের এই রকম একটা বিশ্বাস জন্মেছে যে আমরা ঘর কসাকসির পর বিয়ে কোরে অনেক টাকা পাবো, অথবা বড় লোক শ্বশুরের দেওয়া চাকরী পেয়ে অনেক অর্থ উপার্জ্জণ কোরতে পারবো এবং পরের সম্পত্তি থেকে একটা মোটা অংশ পেয়ে বড় হবো। আমাদের যুবকদের মধ্যে এই যে একটা কুপ্রবৃত্তি এটা আমাদের দমন করা উচিত এবং সকল রকম শক্তি দিয়েই আমাদের এটা করা উচিত। আমার এ বিষয়ে অনেক কিছু বলবার আছে, কিন্তু সময় অল্প। কিন্তু একটা কথা আমার বলা দরকার—ইস্‌লামের ধর্ম্মশাস্ত্রে মেয়েদের কদর এবং মেয়েদের সামাজিক অবস্থা যে কত উচচ তা আপনাদের কারো বোধ হয় অজানা নাই। আজকে বাংলাদেশের মধ্যে অনেক দিন পণ আদানপ্রদানের আবহাওয়ায় বাস কোরে মুসলমানের অনেকেও পণপ্রথা গ্রহণ কোরছেন। অনেক শিক্ষিত লোক যাঁরা চাকরী বাকরী করেন এবং যাঁদের অবস্থা ভালো, তাঁরা অনেকেই নিজেদের মেয়েদের ভালো জামাইয়ের সঙ্গে মেয়ের বিয়ে দিবার জন্য টাকা কড়ি দান কোরছেন। এতে তাঁরা খাল কেটে নিজেদের ঘরে ও সমাজে কুমীর আনছেন মাত্র।

হিন্দু সমাজে পণপ্রথার একটা দাবি হয়ত থাকতে পারে। কারণ তাদের পিতা-মাতার সম্পত্তিতে মেয়েদের সাধারণতঃ কোন ভাগ নাই। বাপ মা হয়ত কন্যাদিগকে কিছু এই সুযোগে দিতে চাইতেন কিন্তু আমাদের পক্ষে এটা মোটেই খাটতে পারে না। কারণ আমাদের মেয়েরাও সম্পত্তির মালিক, ছেলেদের মত আমাদের ধর্ম্মশাস্ত্রে মেয়েদিগকেও সম্পত্তির ভাগ দেওয়া হোয়েছে, মেয়েরা পিতামাতার সমুদায় সম্পত্তির ভাগ পেয়ে থাকে। এ অবস্থায় আমরা মুসলমানেরা কোন মতেই সমর্থন কোরতে পারিনা যে বিয়েতে বর পক্ষের কেউ টাকা দাবি কোরে নেবে। তবে আসল কথা এই যে হিন্দুই হোক আর মুসলমানই হোক—আমরা সকলে যখন একত্রে বাস কোরছি, তখন একের যদি অল্প উপকার হয়, এবং এরদ্বারা যদি অপর সমাজের যথেষ্ট উপকার হয় তা' হ'লে এ আইন প্রণয়ন করায় গভর্ণমেণ্টের বাধা দেওয়া উচিত নয়। আজ সাধারণে প্রচারার্থে ও সর্ব্বসাধারণের মতামতের জন্য হিন্দু বিধবাদের বিবাহ আইন ও পণপ্রথা আইন দেওয়া হোল। গভর্ণমেণ্টের কথা হোল লোকের মতামত আগে নেওয়া হোক! এসম্বন্ধে আমার বক্তব্য এই যে এমন কোন লোক বাংলাদেশে কি সত্যই আছে যে বোল্‌বে যে বিধবার বিয়ে দিতে হবে না অথবা পণপ্রথা রহিত করতে হবে না, শুধু কয়টি বি, এ, এম, এ, পাশ ছেলের বাপ মা ছাড়া আর গুটি কয়েক স্বার্থপর বিপত্নীক হিন্দু বৃদ্ধ ছাড়া কে বোলবে যে বিধবার বিয়ের দরকার নাই, বা পণপ্রথা উঠানো উচিত নয়।

হিন্দু সমাজ ধনী, তাঁদের অনেকেরই দুচার হাজার টাকা দিলে গায়ে লাগে না। কিন্তু আমাদের পক্ষে সে কথা খাটে না। এতকাল অনেক মধ্যবিত্ত অবস্থার লোক সহজে উপযুক্ত পাত্রে পাওয়ার আশায় মেয়েদের লেখাপড়া শিখিয়েছেন কিন্তু এখন দেখা যাচ্ছে শিক্ষিত মেয়ে থাকা সত্ত্বেও উপযুক্ত পাত্র যারা তারা আরো বেশী আদায়ের বায়না কোরছে, নগদ টাকা কড়ির দাবি তো আছেই—সেই সঙ্গে তারা বলে ঘড়ি দাও, সাইকেল

দাও, মোটর দাও, এমন কি কোন কোন স্থলে পাত্র পক্ষ বোলে বসে যে বিলেত যাওয়ার খরচ পর্য্যন্ত দাও। এই যে পণপ্রথা একে অচিরে আইনের সাহায্যে দমন করা উচিত। আমাদের এ বিষয়ের মাননীয় মন্ত্রী মহাশয় (বিচার বিভাগেরও মন্ত্রী) অনেক সময় বিচারের কথা বলেন, আমি আশা করি এ বিষয়ে তিনি অবিচার কোরবেন না এবং এটার বিরুদ্ধতা না কোরে পণপ্রথাটা যাতে নিবারিত হয় সেইরূপ কাজই কোরবেন।

The motion that the Bengal Marriage Dowry Prohibition Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940, was then put and agreed to.

The Bengal Rent Reduction (Temporary Provision) Bill, 1940.

Maulvi ABDUL HAKIM: I beg to move for leave to introduce the Bengal Rent Reduction (Temporary Provision) Bill, 1940.

(The Secretary then read the short title of the Bill.)

Maulvi ABDUL HAKIM: I beg to move that the Bengal Rent Reduction (Temporary Provision) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of the Revenue Department,
(2) Mr. M. Shamsuddin Ahmed,
(3) Maulvi Ahmed Hossain,
(4) Maulvi Abdul Latif Biswas,
(5) Maulvi Muhammed Israil,
(6) Khan Bahadur Maulvi Hashem Ali Khan,
(7) Mr. Rasik Lal Biswas,
(8) Maulvi Abdul Hamid Shah,
(9) Maulvi Rajibuddin Tarafdar,
(10) Maulvi Idris Ahmed Mia, and
(11) the mover,

with instructions to submit their report by the 31st October, 1940, the number of members forming the quorum being five.

এই বিলের introduction কোরতে যেয়ে আমি কয়েকটি কথা বলা আবশ্যক মনে করি। Land Revenue Commissionএর report বার হোয়েছে। তাঁরা স্পষ্টরূপে বোলেছেন যে বাংলাদেশে জমিদারী এবং অন্য যে সকল মধ্যস্বত্ব আছে, সে সমস্ত উঠিয়ে দিয়ে চাষীকে গভর্ণমেণ্টের direct অধীনে আনা হোক। এই হোচ্চে প্রধান কথা—Land Revenue Commission এর। এই বাংলাদেশ হোচ্ছে চাষীদের দেশ। এ দেশের ৫ কোটি লোকের মধ্যে $8\frac{১}{২}$ কোটি লোক চাষবাস

কোরে জীবন ধারণ করে। চাষীদের মত এই যে, বাংলাদেশে যে জমিদারী প্রথা ও মধ্যস্বত্ব আছে তার দরুণ এক দিকে চাষীর ক্ষতি হোচ্চে—আর এক দিক দিয়ে গভর্ণমেণ্ট ক্ষতিগ্রস্ত হোচ্চেন। যে টাকা প্রজার কাছ থেকে আদায় হয় সে টাকার অধিকাংশই জমিদার এবং অন্যান্য মধ্যস্বত্ব-ওয়ালারা নিয়ে থাকেন এবং গভর্ণমেণ্ট অতি সামান্য অংশ ভিক্ষা পাওয়ার মতন পেয়ে থাকেন। এই ভাবেই যদি চোল্‌তে থাকে তাহলে গভর্ণমেণ্ট দেশের সর্ব্বপ্রকার উন্নতির জন্য খরচ কোরতে পারবেন না। সেই জন্যই Land Revenue Commission বোলেছেন যে জমিদারী ও অন্যান্য মধ্যস্বত্ব প্রথা উঠিয়ে দিয়ে চাষীদের direct গভর্ণমেণ্টের অধীনে আন্‌তে হবে। এই কাজে ৬০ বছর লাগবে বলে কমিশন বোলেছেন।

এই বিষয়টা কার্য্যকরী কোরতে গেলে ক্ষতিপূরণ কি কোরে দিতে হবে—সে কথা আমি আর একদিন বোলেছি। কমিশনের অধিকাংশ মেম্বর দশগুণ ক্ষতিপূরণ recommend কোরেছেন। আমার মত হোচ্চে এই যে জমিদারী যাঁরা খরিদ করেন নাই, অথচ লর্ড কর্ণওয়ালিশের সময় থেকে জমিদারী ভোগ কোরে আস্‌ছেন, তাঁদের কোন ক্ষতিপূরণ দেওয়াই উচিৎ নয়। তবে এই পরাধীন দেশে ভারত শাসন আইন অনুসারে ক্ষতিপূরণ না দিয়া জমিদারী প্রথার উচ্ছেদ অসম্ভব বলিয়া এই শ্রেণীর জমিদারগণকে ক্ষতিপূরণ পাঁচ গুণ মাত্র দেওয়া যেতে পারে। আর যাঁরা নাকি জমিদারী খরিদ কোরেছেন, তাঁদের দশগুণ দেওয়া উচিত। তারপর এই যে ক্ষতিপূরণ এটা বর্ত্তমান খাজনার উপর নয়, কারণ এখন জুলুম করিয়া যে খাজনা জমিদারগণ আদায় করেন এটাকে খাজনা বলা যায় না ইহাকে বাধিক ডাকাতি বলাই সঙ্গত। জমিদাররাই পূর্ব্বে কাউন্সিলে এসে আইন কানুন নিজেদের ইচ্ছামতন কোরে খাজনাটা এত বেশী বাড়িয়েছেন। ল্যাণ্ড রেভিনিউ কমিশনের রিপোর্ট যাঁরা পোড়েছেন, তাঁরাই জানেন যে চিরস্থায়ী বন্দোবস্ত দেওয়ার সময়ের অর্থাৎ ১৭৯৩ সনের খাজনার রেট থেকে জমিদাররা শতকরা ১৬০ ভাগ খাজনা বৃদ্ধি কোরেছেন। কাজেই এই অবস্থা আমরা আর বরদাস্ত কোরতে পারি না। যদি গভর্ণমেণ্ট এর কোন প্রতিকার না করেন তাহা হইলে বাংলাদেশে অবিলম্বে agrarian revolution হওয়া অনিবার্য্য। খাজনা কিরূপ বৃদ্ধি হইয়াছে তৎসম্বন্ধে ২।১টা individual case এখানে দৃষ্টান্তস্বরূপ বোল্‌তে পারি। বরিশালে মাইলাটিয়ারখালি নামক একটা মহলের সদর খাজনা ১৭২৷৵৮ পাই। জমিদার সে মহলের খাজনা বৃদ্ধি কোরে ৯২ হাজার টাকায় এনেছেন। আলাপসিং পরগণার যেখানে আমার বাস সদর খাজনা হোচ্চে—৭১ হাজার টাকা কিন্তু মহারাজা শশীকান্ত প্রভৃতি জমিদারগণ আদায় করেন ১৫ লক্ষ টাকার উপর। এ সব আর সহ্য করা যায় না। লোকে না জেনে বিষ খেতে পারে কিন্তু যখন জানে যে এটা বিষ তখন সেটা খেতে পারে না। এখন যখন আমরা জমিদারের জুলুম সম্বন্ধে সব জেনেছি এখন আমরা সহ্য করবো না। মহারাজা শশীকান্ত—

Mr. SPEAKER : Order, order. Please don't mention any name.

Maulvi ABDUL HAKIM : আমি সব জমিদারকে অত্যাচারী বলি না কোন কোন জমিদার অবশ্য ভাল আছেন। কিন্তু অধিকাংশ জমিদারই অত্যাচারী। আজ

বাংলাদেশের $8\frac{১}{২}$ কোটি প্রজার demand হোচ্চে—জমিদারী প্রথা তুলে দিতে হবে। বাংলা, বিহার, উড়িষ্যা ছাড়া ভারতবর্ষের আর কোথাও জমিদারী প্রথা নাই। অন্য প্রদেশের গভর্ণমেণ্ট যদি জমিদারী ছাড়া চোল্‌তে পারে তাহলে বাংলা, বিহার, উড়িষ্যাতেও জমিদারী ছাড়া গভর্ণমেণ্ট না চলার কোন কারণ দেখি না।

জমিদারী প্রথা তুলিয়া দিয়া নূতন আইন করিতে হলে আবার সারাটা বাংলাদেশ জরিপ করিয়া জমির ও কছুমওয়ারি কোরতে হবে? এবং স্বত্বের লিখন প্রস্তুত করিয়া তার উপর ক্ষতিপূরণ সাব্যস্ত কোরতে হবে। এ কোরতে হোলে অন্ততঃ ২০ বৎসর সময় লাগবে। আগে যে জরিপ হোয়ে গেছে তাতে ২৭ বছর সময় লেগেছে। কাজেই আমি মোটামুটি ২০ বছর বোলেছি। এবং এই বিশ বছরের জন্য খাজনার নিরিখ কমিয়ে দেওয়া হোক। খাজনা অত্যন্ত বৃদ্ধি করায় বহু জমি জমিদারের খাস দখলে চোলে গেছে। বহু প্রজা জমিদারের অত্যাচার সহ্য কোরতে না পেরে সর্ব্বস্বান্ত হোয়ে আসামের জঙ্গলে চোলে গেছে। আমাদের ময়মনসিংহের খাজনার নিরিখ ১৬৲ টাকা পর্য্যন্ত পেঁাছেছে। কিন্তু সদর খাজনা একরপ্রতি গড়ে ।০ আনার বেশী পড়ে না। Rent Enquiry Committee সেইজন্য——

Mr. SPEAKER: মৌলবী সাহেব, আপনি এবক্তৃতা তো আগের দিনই কোরেছেন। Please don't repeat the same thing to-day.

Maulvi ABDUL HAKIM: যাক আমি সংক্ষেপেই বোল্‌ছি rent reduction যদি না হয় তাহলে আর প্রজার বাঁচ্‌বার উপায় নাই। অনেকে বলেন খাজনা reduction কোরে কি হবে? পাটের দাম বাড়ানো হোক। কিন্তু আমি বলি এসব কল্পনা শীঘ্র কার্য্যে পরিণত হবে না। অনর্থক একটা ধুয়ো তুলে যাহাতে প্রজাদের বাড়ী, ভিটা এবং জমা রক্ষা হয় এমন ভাল কাজ কোরতে দেওয়া হয় না। প্রজার খাজনা reduction কোরলে কি হবে অনেকে এই কথা বলেন। তদুত্তরে আমি বলিতেছি যে Agricultural Debtors Act দ্বারা প্রজারা দেনা শোধের জন্য কিস্তি পেয়েছে। তাদের যদি খাজনা reduce করা হয় তাহলে এদিক দিয়ে যে টাকা বাঁচবে সেই টাকা দ্বারা তারা ঋণের কিস্তি দিতে পারবে। এই একটা আশু উপকার প্রজারা পাইতে পারে।

আর একটা কথা, অনেকে বলেন, যে প্রজাস্বত্ব আইনের section ১১২ এবং ৩৮ ধারা দিয়ে খাজনা কমান যেতে পারে। যদি তাই হতো তাহলে বেহারে তো ১১২ ধারা ও ৩৮ ধারা আছে তাহলে বেহারের কংগ্রেসী মন্ত্রীরাও ঐ ধারার দোহাই দিয়ে আর আইন না কোরে পারতেন। বেহারের মন্ত্রীরা ১৯৩৮ সনেই খাজনা কমিয়ে দিয়েছেন। এক টাকার অধিকাংশ প্রজার তো চার আনা reduction হোয়েছেই, কোন কোন জায়গায় আট আনা পর্য্যন্ত reduction হোয়েছে। ৩৮ ধারা ও ১১২ ধারা অনুসারে যে কাজ হোতে পারে না তা একটু চিন্তা কোর্‌লেই বোঝা যায়। বাংলাদেশের যত হাকিম আছে তারা প্রায়ই অভিজাত বংশের লোক। অথবা তাদের প্রায় সকলেরই জমিদারদের সঙ্গে সম্পর্ক আছে এবং এই জন্যই জমিদারদের প্রতি

তাদের একটা স্বাভাবিক টান আছে। সুতরাং তাদের দ্বারা কোন ফল প্রত্যাশা পাবেনা। কাজেই বেহারের মতন বাংলায়ও rent reduction কোরতে হবে—নৈলে উপায় নাই। কি কি কারণে rent reduction করতে হবে তৎসম্বন্ধে আমি পূর্ব্বেও বোলেছি। প্রথম কারণ এই যে পূর্ব্বাপেক্ষা এখন খাজনা শতকরা ১৬০ ভাগ বৃদ্ধি হইয়াছে। আর ভূমির উন্নতির জন্য জমিদাররা কোন কাজই করেন নাই Bengalএর yield সম্বন্ধে Revenue Commission বোলেছেন যে বাংলায় যে ধান হয় তাহা অন্যান্য প্রদেশের তুলনায় খুব কম।

Mr. SPEAKER: You again repeat.

Mr. WAHEB KHAN: Sir, he is saying interesting things.

Maulvi ABDUL HAKIM: আমি আগেই বলেছি বাংলার জমিদাররা ভূমির উন্নতির জন্য উল্লেখযোগ্য কোন কাজ করেন নাই। তারপর বাংলায় ধানের যা ফলন তা অন্যান্য প্রদেশের তুলনায় কম। সময় নাই সেই জন্য আমি বিস্তারিতভাবে বলিতে পারিলাম না। খাজনা reductionএর আর একটি কারণ হোচ্ছে বাংলার প্রজারা hopelessly in debt অথচ তাদের কৃষি ছাড়া আর কোন ব্যবসা নাই। ওদিকে পাটের দাম কোমে ২৷৷০ টাকা ৩৲ টাকায় নেমেছে। সুতরাং তাদের খাজনা reduction ছাড়া আর উপায় নাই। আমি এই বিলে যে সকল ধারা বসাইয়াছি তন্মধ্যে ৩নং ও ৪নং ধারাই অত্যন্ত দরকারী। ৩নং ধারাতে আমি বলিয়াছি যে বাংলা দেশের ২০।২১টী জেলায় প্রতি একরে রাইয়তের খাজনা ৩৲ টাকার বেশী হওয়া উচিত নয়। আর যে সকল মহালে সদর খাজনাই প্রতি একরে ২৲ টাকা কিম্বা তাহার বেশী পড়ে কেবল সেই সেই মহালে প্রজার খাজনা সদর খাজনার দেড় গুণ হওয়া উচিত। আর ৪নং ধারাতে আমি বলিয়াছি যে কোর্ফা রাইয়তের খাজনা রাইয়তের খাজনার দেড় গুণের বেশী হওয়া উচিত নয়।

আমি মন্ত্রী মহাশয়ের সাধারণের মতামত গ্রহণ জন্য circulationএর প্রস্তাব গ্রহণ কোরছি।

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move by way of amendment that the Bengal Rent Reduction (Temporary Provision) Bill, 1940, be circulated for the purpose of eliciting opinion thereon (with your permission) by the 31st December, 1940.

Maulvi ABDUL WAHED: মাননীয় সভাপতি সাহেব, আমি আমার বন্ধু আবদুল হাকিম সাহেবের খাজনা কমানর বিলটী সমর্থন করি। এবং মাননীয় মন্ত্রী স্যার নাজিমুদ্দিন যে জনসাধারণের মতামত গ্রহণের জন্য প্রচারের প্রস্তাব কোরেছেন তার ঘোর বিরোধীতা কোরছি। কারণ বাংলার পাঁচ কোটি লোকের মধ্যে প্রায় সাড়ে চারি কোটীই কৃষক প্রজা, তারা সকলে একবাক্যে খাজনা কমাতে চায়, এর পর আবার

তাদের মতামত জানার মানে হাতের আঙ্গুল আয়নায় দেখার মত। সভাপতি সাহেব! প্রথমতঃ, আমার বন্ধু আবদুল হাকিম সাহেব যে বিল উত্থাপন কোরেছেন সেটার ভিতর প্রকৃতই তাঁর আন্তরিকতা আছে কি না সেইটে হচেচ আমার জিজ্ঞাসার বিষয়। এবং এ বিষয় নিয়ে যদি ভোট হয় তা হোলে তিনি "পাছ্ দরজা" দিয়ে পলায়ন করবেন কি না অথবা নিজেই তাঁর বিলের বিরুদ্ধে ভোট দিবেন কি না যাহা কোয়ালিশন মেম্বাররা বরাবর করে থাকেন সেটাও জানা দরকার। ইলেকশনের পূর্ব্বে তিনি প্রতি একরে খাজনা ছয় আনা কোরে ধার্য্য করবেন এইরূপ স্বপ্ন দেখেছিলেন এবং "প্রজার ভবিষ্যৎ" নামক এক-খানা বই লিখে প্রচার করেছিলেন এবং তার ফলেই ভোট পেয়েছিলেন কিন্তু আজকে আবার কোন স্বপ্ন দেখে ছয় আনার স্থলে একরে তিন টাকা খাজনার বিল উত্থাপন করলেন সে কথাটাও জানতে চাই।

তারপর আমি বোল্‌তে চাই জনমত সংগ্রহার্থে প্রচারের জন্য মাননীয় মন্ত্রী স্যার নাজিমুদ্দিন যে প্রস্তাব এনেছেন—এটা বাংলার মন্ত্রী-মণ্ডলের চিরাচরিত প্রথা ও নীতি। বে-সরকারীভাবে, বিশেষ কোরে বিরোধী দলের থেকে যে সমস্ত আইনের খসড়া উপস্থিত করা হয় সেগুলিতে তাঁরা তো বরাবরই এ সব কোরে থাকেন কিন্তু তাঁদের অন্তর্ভুক্ত কোয়ালিশন দলের মেম্বার যখন এই বিলটা এনেছেন তখনও তাঁরা উক্ত নীতি প্রয়োগ কোরছেন কেন? কথাটা হোচেচ জনমত,—খাজনা কমানোর ব্যাপারে জনমত সংগ্রহের প্রয়োজন আছে বোলে যাঁরা বিশ্বাস করেন—আমি বোলতে চাই যে বাংলাদেশের খাজনাদাতা কৃষক প্রজাদের সঙ্গে মোটেই তাঁরা পরিচিত নন। এবং তাঁদের সঙ্গে বাংলার জনসাধারণের মতিগতির আদান-প্রদান মোটেই নাই। গত নির্ব্বাচনের সময় যত দলের থেকে প্রার্থী দাড়িয়েছিলো, প্রত্যেক দলের প্রত্যেক জাতির লোককেই পল্লীর জনসাধা-রণের খাজনা কমানোর দাবী যতক্ষণ পর্য্যন্ত স্বীকার না কোরেছেন ততক্ষণ পর্য্যন্ত জন-সাধারণ ভোট দিতে রাজি হয় নাই। কাজেই আমার বিশ্বাস—আমাদের আজকার এই বিলটা যা নাকি মন্ত্রীদলের আবদুল হাকিম সাহেব এনেছেন সেটাকে প্রচারার্থ দেবার জন্য যে মাননীয় মন্ত্রী স্যার নাজিমুদ্দিন সংশোধন প্রস্তাব এনেছেন তার ভিতর তাঁর পটুয়াখালিতে পরাজিত হবার কারণটা নিহিত আছে। তিনি পটুয়াখালির জনসাধারণের নিকট হয়তো খাজনা কমানোর কথাটা বলেন নাই; সেই জন্যই তিনি তৎকালীন তথা কথিত কৃষক প্রজার নেতা বর্ত্তমানের তথাকথিত জনপ্রিয় প্রধান মন্ত্রী মাননীয় ফজলুল হকের সঙ্গে ভোট যুদ্ধে বিজয় লাভ কোরতে পারেন নাই। এবং নিজেরই প্রজার ভোটে সেখান থেকে নির্ব্বাচিত হোতে পারেন নাই। কাজেই জনমতের বিষয়ে আমি দৃঢ়তার সঙ্গে বোল্‌তে পারি যে বাংলাদেশে যে সব লোক, আমাদের মতন যে সব প্রজা খাজনা দেয় তাদের মধ্যে এমন লোক কেউ নাই যে নাকি খাজনা কমাতে চায় না। আমার বন্ধু তো প্রতি একরে ১৲ টাকা খাজনার প্রস্তাব কোরেছেন, আমরা আরো কমাতে চাই। কারণ আমরা খাজনা দিয়ে আর কুলাতে পারি না। জমির উর্ব্বরতা শক্তি কমে গেছে, ফলে ফসলের পরিমাণও কমে গেছে; এ দিকে পাটের দামও কমে গেছে, সঙ্গে সঙ্গে কৃষকদের নিত্য ব্যবহার্য্য জিনিষের দর চোড়েছে। কাজেই অবিলম্বে প্রজারা খাজনা কমাতে চায়। এ অবস্থায় আবার খাজনা কমানোর জন্য আনীত এই বিলটা সার্কুলেশনে

দিবার প্রস্তাব করার অর্থ জনসাধারণের উপর জুলুম করা বোলেই আমি মনে করি। এই বোলে আমি বিলটী প্রচারার্থে প্রেরণের প্রস্তাবের ঘোর বিরোধীতা কোরছি এবং মূল প্রস্তাবকে সিলেক্ট কমিটীতে দেওয়ার প্রস্তাব দৃঢ়তার সহিত সমর্থন কোরছি।

The motion of the Hon'ble Khwaja Sir Nazimuddin that by way of amendment the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1940, was then put to vote and a division demanded.

(After the division bell had rung and members had assembled.)

Mr. SPEAKER: Before putting the motion to vote, I would like to draw the attention of the honourable members to one thing. I am surprised to hear that there are certain visitors who are not holding tickets and have been brought in by members to lobbies which are intended for voting. I hope that members will see that visitors are not brought into lobbies any more. It will interfere with work during division times. Now I do not wish to take any drastic steps, but I hope members will kindly see that no visitors are brought into places which are reserved for voting.

The House then divided with the following result :—

AYES 69.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Affazuddin Ahmed, Khan Bahadur Maulvi.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Gurung, Mr. Damber Singh.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Birat Chandra.
Muhammad Ibrahim, Maulvi.
Muhammad Sulaiman, Khan Sahib Maulvi.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Patton, Mr. W. O.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Saifruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sannullah, Al-Hadj Maulana Dr.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Zahor Ahmed Choudhury, Maulvi.

NOES—35.

Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Barman, Babu Shyama Prosad.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Gupta, Mr. Jogesh Chandra.
Kundu, Mr. Nishitha Nath.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Pain, Mr. Barada Prosanna.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.

The Ayes being 69 and the Noes 35, the motion was agreed to.

The Bengal Dowry Restriction Bill, 1940.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move for leave to introduce the Bengal Dowry Restriction Bill, 1940.

(The Secretary then read the short title of the Bill.)

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that the Bengal Dowry Restriction Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1940.

Sir, I have changed the date to 30th November, 1940, instead of 31st October, 1940, as stated in the agenda, as 30th November is the date for eliciting public opinion in a similar Bill. I hope you will kindly allow it.

Mr. SPEAKER: All right.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, it is common knowledge that the dowry system prevailing amongst the Bengalis has been responsible for the self-immolation of many girls and financial ruination of many families of this province. As such it is a curse, and the abolition of this curse has been long overdue. Sir, I feel that this curse cannot be eradicated without State help. So I have brought this Bill, and yet I desire that public opinion should be gathered before it is considered by this House.

The motion of Mr. Surendra Nath Biswas that the Bengal Dowry Restriction Bill, 1940, be circulated for the purpose of eliciting opinion thereon by 30th November, 1940, was then put and agreed to.

The Bengal Agricultural Debtors (Amendment) Bill, 1940.

Mr. MIRZA ABDUL HAFIZ: I beg to move for leave to introduce the Bengal Agricultural Debtors (Amendment) Bill, 1940.

(The Secretary then read the short title of the Bill.)

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move that the Bengal Agricultural Debtors (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Mukunda Behary Mullick,
(2) Maulvi Muhammad Israil,
(3) Mr. Ahmed Hossain,
(4) Mr. Abdul Wahab Khan,
(5) Mr. Mia Abdul Hafiz,
(6) Mr. Abdul Karim,
(7) Mr. Abdullah-al Mahmood,
(8) Maulvi Abdul Latif Biswas,
(9) Khan Sahib Maulvi Aminullah,
(10) Mr. Anukul Chandra Das,
(11) Mr. Charu Chandra Roy,
(12) Mr. Amrita Lal Mandal,
(13) Maulvi Waliur Rahman,
(14) Mr. J. W. Chippendale, and
(15) the mover,

with instructions to submit their report by the 31st December, 1940, the number of members forming the quorum being five. Sir,——

Mr. SPEAKER: Are you going to accept the circulation motion?

Mr. MIRZA ABDUL HAFIZ: Yes, Sir.

Mr. SPEAKER: Then no speech is necessary.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar (on behalf of the Hon'ble Mr. Mukunda Behary Mullick): Sir, I beg to move by way of amendment that the Bengal Agricultural Debtors (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1941.

The motion was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1940.

Mr. CHARU CHANDRA ROY: Sir, I beg to move for leave to introduce the Bengal Village Self-Government (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Bengal Restoration of Landlords' Auction Purchased Lands Bill, 1940.

Maulvi ABDUL HAKIM: Sir, I beg to move for leave to introduce the Bengal Restoration of Landlords' Auction Purchased Lands Bill, 1940.

(The Secretary then read out the short title of the Bill).

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Bengal Village Self-Government (Amendment) Bill, 1940.

Maulvi ABDUL HAKIM: Sir, I beg to move for leave to introduce the Bengal Village Self-Government (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Bengal Adult Education Bill, 1940.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move for leave to introduce the Bengal Adult Education Bill, 1940.

(The Secretary then read out the short title of the Bill.)

Sir, I beg further to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd January, 1941.

The motion was then put and agreed to.

The Bengal Tenancy (4th Amendment) Bill, 1940.

Mr. MIRZA ABDUL HAFIZ: Sir, I beg to move for leave to introduce the Bengal Tenancy (4th Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

Sir, I beg further to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1941.

The motion was then put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1940.

Mr. SPEAKER: There is one Bill of Babu Khagendra Nath Das Gupta which has been passed over. We will now take up that Bill.

Babu KHACENDRA NATH DAS GUPTA: Sir, I beg to move for leave to introduce the Bengal Tenancy (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

Sir, I beg further to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1940.

The motion was then put and agreed to.

Mr. SPEAKER: There is only one Bill left, namely, that of Begum Farhat Banu Khanum. On the next non-official day, we shall take up that Bill first and it will take only a few minutes, and, after that, we shall pass on to Non-Official Resolutions so that there may not remain any item on the agenda unfinished. I shall get a circular issued accordingly.

Adjournment.

It being 7-50 p.m.—

The House was adjourned till 4-45 p.m. on Monday, the 9th September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 9th September, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 211 members.

STARRED QUESTIONS

(to which oral answers were given)

Realisation of "gundi" or "tola" in Rangpur district.

*247. **Maulvi ABU HOSSAIN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that there exists a feeling amongst the agriculturists of the Rangpur district over the question of realisation of "*tola*" or "*gundi*" in *hats*, bazars, fairs and market places; and

(*ii*) that in this connection a good number of arrests have been made under—

(1) the General Criminal Laws, and

(2) the Defence of India Rules and Act?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number of persons arrested;

(*ii*) the number of prosecutions started;

(*iii*) the number of prosecutions withdrawn; and

(*iv*) the number of cases tried with results?

(*c*) Is it a fact that the Senior Marketing Officer of the Government in his bulletin of 1939 has described these exactions as illegal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) Some arrests were made under the Defence of India Act.

(*b*) (*i*) 62.

(*ii*) 11 cases.

(*iii*) Nil.

(*iv*) One case has been tried in which two persons were convicted; others are *sub judice*.

(*c*) I must refer the honourable member to the published bulletin itself.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the exactions of "*tola*" were illegal?

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the fact that the cases are *sub judice*——

Mr. SPEAKER: I don't think that is a proper question.

Promotion of Bengal Medical Service Officers as Civil Surgeons.

*248. **Khan Sahib HAMIDUDDIN AHMAD:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) how many Bengal Medical Service officers have been appointed Civil Surgeons—

(1) permanently, and

(2) in officiating capacity,

during the last six months; and

(*ii*) how many of them are—

(1) Hindus,

(2) Muslims, and

(3) Scheduled Castes?

(*b*) If no Muslims or members of the Scheduled Castes have been so appointed, will the Hon'ble Minister be pleased to state what steps he proposes to take for the recruitment of Civil Surgeons from these communities?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) (1) Nil.

(2) Two, viz., Dr. Harendra Nath Basu and Dr. Manmatha Nath Chatterjee since the 26th April, 1940, and 5th June, 1940, respectively.

Drs. Prafulla Prasun Choudhury, Jnan Ranjan Banerjee and Ananta Mohan Datta have also been notified as Officiating Civil Surgeons, but they have not yet assumed charge of their appointments.

(*ii*) (1) Two.

(2) and (3) Nil.

(*b*) I would refer the honourable mem[illegible] clauses (*c*) and (*d*) of starred question No. 224 in the current session.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to state whether any Muhammadan was recommended for promotion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Fixation of date for election to Chittagong District Board.

126. Dr. SANAULLAH: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware of the notifications Nos. 3871G. and 3872G., issued by the District Magistrate of Chittagong and published in the Gazette of the 25th July, 1940, pages 2070-73, fixing the date for the election of the members of the District Board of Chittagong as follows:—

Date on which poll will be taken—The 9th December, 1940.

Date on or before which the nominations of candidates are to be made—The 7th August, 1940.

Date on which the scrutiny of nominations is to be held—The 12th August, 1940.

Date on or before which the candidature may be withdrawn—The 14th August, 1940.

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the interval of four months between the dates of nomination and the election?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the *Calcutta Gazette* takes about a fortnight to reach Teknaf police-station, the southernmost extremity of the district;

(*ii*) that the prospective candidates of that portion of the district will not get this information in time for filing their nomination papers; and

(*iii*) that the members of the Bengal Legislative Assembly and Bengal Legislative Council representing the district would also be put to inconvenience in filing their nomination papers while the Assembly and the Council are in Session?

(*d*) If the answer to (*c*) is in the affirmative, what action does the Hon'ble Minister propose to take for the alteration of the date of filing nomination as notified by the District Magistrate of Chittagong to a later date in October, and after the Puja vacation, if possible?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The notifications in question have since been cancelled by the District Magistrate.

(*b*) and (*c*) (*iii*) Do not arise.

(*c*) (*i*) and (*ii*) Under the Rules for Direct Election to District Boards, the date to be fixed by the District Magistrate for the filing of nominations for each constituency, should not be later than the fourteenth day after the date of the notification calling upon the constituency to elect a member. The difficulty of the people of the southernmost extremity of the district will be obviated by publishing copies of the notifications fixing the date of filing nominations within the constituencies concerned as provided in rule 2(3) of Part II of the Election Rules.

(*d*) The District Magistrate will publish a fresh notification calling for nominations by the end of this month. A later date cannot be fixed as that would entail the postponement of the election till the third week of December next when large numbers of people of the district migrate to Burma for the harvesting season.

Voters of the Bengal Legislative Assembly.

127. Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to lay on the table a statement showing, constituency by constituency, the total number of voters of different communities of the Provincial Legislative Assembly registered recently?

The Hon'ble Khwaja Sir NAZIMUDDIN: Complete information is not available.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if the voters list is now complete?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware electoral rolls of all the constituencies have not yet been published.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister considering the desirability of laying that statement on the table when it is complete?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a hypothetical question, but I may say that the information that is available to the members is not necessary to be supplied in this House.

Message from the Bengal Legislative Council.

Secretary then read the following message received from the Bengal Legislative Council:—

"The Bengal Alluvion and Diluvion (Amendment) Bill, 1940, was passed by the Bengal Legislative Council with amendment at its meeting held on the 27th August, 1940, and that the concurrence of the Assembly be asked to the amendment made in the Bill by the Council"

GOVERNMENT BILL.

Calcutta Municipal (Amendment) Bill, 1940.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir, the Bill, the Hon'ble Minister in charge told us, was in response to the widespread demand for improving the efficiency and the tone of the internal administration of the Corporation of Calcutta. He further said that the trend of criticism offered by several members of opposition to the first amendment of the Calcutta Municipal Act, viz., Act XI of 1939, was to the effect that there was no provision in the said amendment to bring about improvement in the administration of the Corporation which was admittedly far from satisfactory. The Hon'ble Minister conveniently forgets that the main grounds of opposition were, firstly, the introduction of separate and communal electorates; secondly, re-distribution and allotment of the increased seats and, thirdly, the

retention of the system of nomination. The Hon'ble Minister did not think it right to bestow any consideration on those objections and overruled them lightly, but like a very good boy he took into his head for providing for remedial measures in this present Bill only as desired by us in the Opposition. It is indeed a good gesture of respect for opinion of the Opposition by the Government rarely shown before this. Much has been said of deterioration in the administrative efficiency of the Corporation. It may be partially true as it is true in the case of the Bengal Government and one must be alert that the administrative efficiency does not fall off. To remedy this the self-government is going practically to be substituted by a so-called good Government; but good Government is never a substitute for self-government. Sir Surendra Nath quoted the following observations of Lord Morley in his speech in introducing the Calcutta Municipal Bill. Speaking of efficiency as an administrative factor, Lord Morley, then Mr. Morley, in the House of Commons in 1906 observed: "We are too apt to place efficiency in the forefront of our administrative ideals and if our Government in India were a trifling less efficient it would perhaps be a little more popular" Please mark Lord Morley's attitude. He felt that efficiency was not to be overlooked but he felt also that popularity was also to be taken into consideration.

It has also been said that appointments in the Corporation have been made more on personal or party or political consideration than in the interest of efficiency in the administration. Complaints have also been made by the Hon'ble Minister that appointments made by the Chief Executive Officer were not free from the influence of the individual Councillors or of the party in power, that appointments of unqualified and undesirable persons had been made on the same reasons which the Chief Executive Officer could not prevent for his continuance in the office largely depended on the sufferance of the Councillors, Aldermen and the party in power. Mr. Hashemy, Mr. Mandal, Mr. Shyama Prosad Barman and a few others on this side of the House had thrown a definite challenge how this Government had in the past made appointments of unqualified and undesirable persons either to distribute patronage on those who have something to do with the Party Government in power, how they also interfere with day to day administration, how they distribute grants to educational institutions of the province, stipends to individual students and how discriminations are shown in distributing other grants to nation building works. Without interchanging words I may suggest that lists and charts may be prepared of above matters and compared. It will be evident then which of the two, the Calcutta Corporation or the Government are more guilty of the charges referred to above. It reminds me of a popular Bengalee adage that "যে সরিষা দিয়ে ভূত ছাড়াবে সেই সরিষাতেই ভূত" meaning literally there is ghost concealed in those mustard seeds which you are

using as chants to 'drive ghosts away.' The Government which pretend to purify and purge the Corporation of its corruption, nepotism, jobbery and favouritism should first look backward to their own commissions and omissions. Both Mr. Marindin and the Hon'ble Minister admitted that this Bill if passed into law would cause substantial diminution in the powers and authorities of the Corporation. May I ask if temporary defaults and mistakes in a growing self-governing institution or in an infant political institution which are present in all and every such institutions are greater and graver guilt or robbing those institutions of their essential self-governing features—which have been earned through long and indescribable sufferings and under forces of indomitable pressure of public opinion—is greater or graver crime? Let us now examine the provisions of the Bill—the remedies prescribed for curing the diseases of the Corporation.

Efforts have been made in some cases to improve the drafting of the Calcutta Municipal Act of 1923 without changing the substances of the provision. I must say that the Minister has hopelessly failed to do that and I would request him not to alter the drafts if he does not intend to alter the intention and substance of the provisions themselves. There are also defects in drafting the new clauses. These defects in drafting may be cured easily either in the Select Committee or in the open House. Important changes suggested are the following. By insertion of new sections 19A and 19B the Government propose to supersede a department or departments of the Corporation and to dissolve the Corporation. By supersession the department superseded would be for the time being completely officialised. The alternative remedy of dissolution has been adopted merely, as the Hon'ble Minister stated, to make an appeal to the electorate to return a fresh batch of their representatives to replace those who are found wanting in terms of new section 19B. The Hon'ble Minister has shown reverence for the opinion of the rate-payers. Why should he not show this earlier? Why did he not place the provisions of the Bill before the rate-payers for their sanction before it is passed into an Act? These provisions of supersession and dissolution will not in any way cure the defects but will only involve a huge waste of public money and involve unnecessary complications Suppose the rate-payers elect the same persons who held posts of Councillors before dissolution and I believe the wronged rate-payers who are wronged and injured by the Government without giving them any opportunity to formally communicate their opinions on the Bill will vindicate their right by electing the same persons if the contingency of dissolution occurs at any future time. What are the Government going to do then? They will have nothing to do to remedy the defects but to supersede all the departments of the Corporation under the new section 19B. The Hon'ble Minister has vainly tried to justify his action by saying that the provisions are not new and are

based upon sections 550 and 552 of the Bengal Municipal Act, 1932. When mufassal municipalities are desiring that advanced reforms granted to the Calcutta Municipality should be extended to them the Hon'ble Minister argues that safeguards and control reserved for the mufassal municipalities which are certainly newer and younger institutions than the Calcutta Corporation and probably required such provisions, new and young as they are, should be incorporated in the proposed Calcutta Municipal Bill. This is certainly not an argument to be advanced by one who has any idea of the progressive world and the progressive nature of the Universe. Another important thing is the substitution of the old section 51 by a new one. By this the power of appointment of the Chief Executive Officer has been taken away by the Government. In this connection I would like to quote the relevant portion of the speech of the late Rai Radhacharan Pal Bahadur delivered on the occasion of consideration of the motion for circulation of the Calcutta Municipal Bill of 1921. He spoke as follows: "When I read the proceedings of the Bengal Legislative Council of those days I find that during the Lieutenant-Governorship of Sir Cecil Beadon, no less a personage than Sir Ashley Eden, the Chief Secretary, introduced a Bill giving the most complete and fullest control over civic affairs to the Justices of the Peace. Sir Ashley Eden in proposing the legislation observed that the Corporation vested in the Justices should be the Supreme authority in all matters concerning the city. Perhaps it is not known to many gentlemen here—and so I may disclose the fact on this occasion that the principal concession which the Hon'ble Minister is now making to the people of Calcutta, viz., the concession of the election of the head of the Executive, was actually conceded by the Government in 1862. I find in the old Bill of 1862 as drafted by no less a person than Sir Ashley Eden that the appointment of the chief of the executive, his salary and his removal was to be left to the Corporation; that was in the original Bill; this was a foretaste of democracy in those days." The power that was thought proper to be given to the Corporation in the year 1862 was given only in the year 1923 and the Hon'ble Minister in the middle of the twentieth century proposes to take that power away. Nothing can be more deplorable than this. Members of this House particularly the European members will now please judge if it is proper to do that. There is again a principle lying behind the appointment of officers in self-governing institutions by the Government in this country as well as in Great Britain. The principle is this—where the Government contribute a portion of the salary of particular officers concerned, the Government reserve the right of appointment of such officers and of ascertaining the salary and the terms and conditions of appointment. Even that question does not arise here. Though this Bill is taking away very important powers of the Corporation it is giving more power to the executive officers to be appointed by the Government. This tendency of the present-day Government for

enlarging powers of individual officers has become very patent and was also manifest during the consideration of the Bengal Co-operative Societies Bill. The Government cannot trust the Corporation constituted with 98 elected and nominated Councillors and Aldermen but can trust the I.C.S. or the B.C.S. Chief Executive Officer. Controlling and checking provision regarding contract up to the huge amounts of Rs. 10,000 has been withdrawn by this Bill. I do not know if the present Government which has become so fond of I.C.S. men will in the near future pass resolutions recommending to the British Parliament that provisions should be made for appointment of I.C.S. Ministers for securing efficiency. There are other minor objectionable clauses which I do not propose to examine here. I have doubts as to whether the proviso clause and the sub-clause 1(*aa*) to clause 45 relating to construction of railways have or have not been *ultra vires* of section 181 of the Government of India Act. There are a few provisions in this Bill which are improvements on the present Act. I may mention clause 7 as an instance by which franchise has been greatly extended. I am not, however, satisfied with this and wish that franchise may soon be extended to all adult residents of the city irrespective of any consideration as to whether they pay rates or not. Considering the suggested changes as a whole I am inclined to remark that changes have been against democratisation and liberalisation of the self-governing institution, have been with a motive to transfer power and control from rate-payers' representatives to the Government, that is, from one political party to another and have been retrograde ones and against the history and tradition of all the progressive countries in the world. We surely like that more substantial political powers and privileges in the administration of central and provincial Governments are granted to us. If that be so, more powers should as well be granted to the self-governing institutions to keep pace with the politically progressing Governments in the country, for in the words of Sir Surendranath: "You cannot have an advanced modern system at the top with mediæval formulæ working vigorously at the bottom. You cannot have a golden turret mounted on a decaying and crumbling edifice." In considering this Bill of tremendous importance we must not forget that the present-day cry all over the world is more liberalisation, more democracy, wider popular representation and authority, more independence and lesser outside interference. Does the Bill satisfy this test? It does not. It is really the contrary to what is wanted and is opposed to the rules and canons of self-governing institutions. The defects pointed out could be very well cured by providing for exemplary punishment to individual Councillors who abuse their powers and position, by making provisions that the Building Committee must not delay granting approval to parties concerned if the plans are not opposed to rules and by-laws and that if the approval is not given within a certain time the builder is free to commence work even

without receiving approval if the plans contravene no statute or bye-laws, by making provisions describing the minimum qualifications for holding office including that of the Chief Executive Officer and making special provisions regulating contracts and other engagement and not by diminishing the powers of the Corporation for the faults of individual Councillors or Aldermen. These are suggestions, Sir, which are not mine, but are taken from Mr. Atkinson's Handbook of "Local Government Law". Please do not, therefore, introduce drastic changes which may evoke bitter controversy and countrywide agitation at a time when peace and harmony are what are needed the most. Changes may be good or bad. That is not the question. The question is whether the changes are not very drastic ones and whether they do not require very careful and dispassionate scrutiny and consideration. The changes introduced by the Calcutta Municipal Act of 1923 were undoubtedly distinct improvements on the then existing Act. Yet before the Bill was referred to a Select Committee a conference of representatives was convened to consider the draft Bill and though it received the support of the conference it was again formally circulated for eliciting public opinion thereon. It is interesting to note the speech delivered by the then Minister in charge of the Municipal Bill while introducing the said Bill. He said, "I explained to them at the conference and I repeat what I then said that the Government would not favour these changes if they went wholly and decisively against the wishes of the people concerned." Should not the Hon'ble Minister in charge imitate this attitude and square up all differences and send the Bill for circulation for eliciting public opinion thereon? If even after this the Government would not stir or budge and stick to their own motion I shall conclude quoting the remarks that fell from Sir Surendranath, then Mr. Surendranath, in opposing the passage of the reactionary Mackenzie Bill of 1899 for I cannot coin language to give better and stronger expression to our feelings than by quoting him here. He spoke as follows:—"You will never be able to roll back the tide of progress which has set in with such irresistible force in the country. The forces of progress will triumph over the forces of reaction". Like Mr. Banerjee we will live in the hope and trust that better wisdom will soon prevail and the inestimable boon of local self-government will not be disturbed.

With these words, Sir, I support the motion for circulation of the Bill.

Mrs. HASINA MURSHED: Mr. Speaker, Sir, I must confess to a feeling of genuine surprise that the Bill which is before us should have evoked criticism, the magnitude of which is comparable to that which was set on foot by what is known as the Ilbert Bill. The difference between the two, however, is that whereas much of the agitation in

the former case was justified from the point of view of Indian nationalism, much of the criticism in the present case is based on the apprehension that the Corporation of Calcutta will cease to be the monopoly of a particular community. Sir, the Bill has been attacked mainly on the ground that it is a retrograde measure inasmuch as it seeks to divest a self-governing institution of some of those powers which were conferred upon it by Sir Surendra Nath Banerjee of revered memory as early as 1923. Mr. Speaker, Sir, in my humble opinion the fallacy underlying the argument is this. The Government of 1923 was fundamentally different from the Government of to-day. The present Government itself is a self-governing institution based ultimately as it is on the suffrage of the people and answerable to their representatives in this Legislature. It is, therefore, a mistake to characterize the Bill as a retrograde measure. Mr. Speaker, Sir, I for one will describe the Bill as a measure of corrective reform designed to centralise powers of civic administration for the purpose of remedying the defects which are alleged to exist in the Corporation of Calcutta.

Now, the question that arises is whether or not this centralisation is justified. On this particular point, Sir, there is, to my mind, ample evidence to show that the Corporation has rightly or wrongly forfeited the confidence of the majority of the people's representatives in this House. This fact alone justifies the Bill which is before the House. The two main features in the Bill which have been subjected to severe criticism are the appointment of a Government servant as the Chief Executive Officer and the appointment of a Service Commission. With regard to the former, Sir, may I remind the House that the Bill provides for the removal of the officer if he loses the confidence of the two-thirds of the Councillors? This is, I think, an adequate answer, to the criticism that the Chief Executive Officer would be entirely independent of the good opinion of the Councillors. With regard to the latter, there cannot be any manner of doubt that it is a salutary provision.

Sir, I listened with great interest to the speech made the other day by my esteemed friend, Mrs. Sen Gupta. As far as I could understand her, she was opposed to the Bill, because she thought that the Corporation was functioning quite properly. To-day, I support the Bill because I consider it to be essential to enable the Corporation to function more efficiently than now. I desire, Sir, to emphasize that we on this side of the House yield to none in our solicitude for maintaining the integrity of all self-governing and democratic institutions in our country, but that does not mean, Sir, that we should acquiesce in the manner of the administration which has apparently failed to inspire the confidence of the majority of the House. In these circumstances, I support the motion moved by the Hon'ble Minister in charge of the Bill.

Mr. SASANKA SEKHAR SANYAL: Sir, I am afraid that much of the discussion that has come from the other side of the House has been beside the point. Sir, the two questions before us are whether the Bill should be circulated for the purpose of eliciting public opinion, or whether it should be referred to a Select Committee. Sir, no justification has been made out by the supporters of Government as to why the Bill should not be circulated for eliciting public opinion thereon. Sir, if the Bill is circulated for public opinion, this House or for the matter of that the Select Committee is to that extent better equipped for pursuing the provisions of the Bill, and the heavens would not have fallen upon the shoulders of the Government or of the Coalition Party or of the Province if only a month more was taken for consulting the whole question with reference to the public opinion in the background. But if the matter goes straightaway to the Select Committee there is every risk that we are counting without the host. After all whatever provisions have been advanced by the Government Party, these provisions are sworn in the name of the public. If they are sworn in the name of public and public interest, I fail to understand why the principal factor, namely, public opinion, should not be consulted in the matter. Sir, while the Secondary Education Bill was considered some of the speakers on the other side quoted, as an example, that the Bengal Tenancy Act was not circulated and that the Bengal Money-Lenders' Bill was not circulated, but they have missed one fundamental constitutional aspect of the matter. Because the last general elections were fought in all tickets with certain election manifestoes and all party election manifestoes included the questions of the Tenancy Act and the Money-Lenders' Bill. Therefore the House had the verdict of the public behind it in going straight into the question of the Bengal Tenancy Act and the Bengal Money-Lenders' Bill.

Mr. ABDULLA-AL MAHMOOD: But still you opposed it.

Mr. SASANKA SEKHAR SANYAL: No, we never opposed it. But here, the question is different. No party, not even the blessed Muslim League Party fought the election on the question either of the Secondary Education Bill or on the question of the Calcutta Municipal Amendment Bill. (A VOICE FROM THE COALITION BENCH: Certainly, we did.) No, you did not. I challenge anybody to find out from any of the election manifestoes that they fought the election on the basis of these questions. It is only fair and it is only constitutionally desirable whenever a controversial piece of legislation is introduced into the House and when this issue has not been before the public in any of the election manifestoes that the public should be consulted by all means. Sir, the question is important not merely from the point of view of Calcutta, but from the point of view of Bengal. Because, apprehensions have been expressed by some of our friends on this

side of the House that it is only the beginning of a persecuting process which is to be followed up to not merely the municipality but also the rural areas. Therefore, the whole matter must be placed before the public of Bengal before any verdict is placed in this House either openly or by the backdoor of the Select Committee. Even if it is taken to be a narrow question of the Calcutta public, well, I submit, that the Ministers, the Government and the Coalition Party ought to have faced public opinion of Calcutta at least. Sir, my friends on the other side have glibly opined that the public is behind them. If the public is behind them, why are they afraid of facing public opinion? Sir, the Calcutta public has expressed itself through the Press and the platform and even through the Corporation itself. The Corporation which by all fair means of calculation is a very important party has expressed itself against this Bill, and I do not know what answer my honourable friend, Mr. Siddiqi, the Mayor of the Calcutta Corporation, who is now absent, will have to offer in reply to this persecuting Bill. Sir, this avoidance of public opinion supports our apprehension that it is not at all a Bill to improve the Corporation but it is a Bill for ulterior purposes behind the minds of the Ministers, and the Party which support the Ministers. Sir, we may be excused if we express our apprehensions that it is not to remove the corruptions, but it is rather an attempt at ousting the Opposition from whatever seats they are holding in the province of Bengal, and it is a beginning in that direction. Sir, according to Parliamentary principles we have read and learnt that there is a convention for ousting the Government, but we have not yet understood anywhere any precedent nor that there is a process of ousting the Opposition, but here the Bengal Government, not satisfied with the resources of the Treasury Benches, not satisfied with the resources of the Government proper, are trying to extend their resources so that the consolidation of the Ministerial Party may be more complete. It is an open secret that although the loaves and fishes of office at the disposal of Government are liberally at the disposal of the party, still there are factors and factions which are not yet satisfied, and so a Corporation Slaughtering Bill was considered necessary, not because the Corporation of Calcutta is to be saved but because the Corporation and Calcutta have got to be placed at the dinner table of the Coalition Party.

Mr. Speaker, Sir, it has been said that the Corporation is a victim to interferences, and who in Bengal does not know that from Writers' Buildings down to the Union Board offices, even petty nominations are subjected to much interfering handling on the part of Government even for a mere seat for any one who is supposed to be a supporter of the Coalition Party?

Then, Sir, it is said that there is too much nepotism and corruption. I was surprised to hear these things from my friend, Mr. Abdul Latif

Biswas. We belong to the Opposition, but Opposition is supposed to have a height which the Coalition Party is supposed not to possess. I would not like to enter into personal references, but will the supporters of the Coalition Party explain how a pleader from the Dacca Bar who was returned to this Assembly from the Dacca constituency and taken into the Alipore Police Courts became one of the pleaders attached to the panel of the said Courts in supersession certainly of existing and better claims of others? Is it not giving patronage, is it not nepotism, is it not corruption, particularly when we find that the gentleman who has been so liberally promoted is physically unfit, at least, who is deaf of hearing? I am not going to mention names, and my friends will understand themselves. So, Sir, the writing on the wall is clear that the Corporation revenues which are almost equal to the revenues of the Assam Government—these revenues are necessary for the Government Party. The Government cannot satisfy this Party, cannot maintain the integrity of the Party. Therefore, another Government is necessary—a Government which by all decent procedure may go into the hands of those persons who contribute to the upkeep and introduction of democratic advancement of the country—for the bringing into control of that Government the Opposition will have to be ousted, and this Party, the Coalition Party, will extend its gagging powers to that department and to that institution. So I submit that it is no use concealing things. Let us be straight and clear. My friend, Mr. Rasik Lal Biswas, has now become from Rasik Lal the Faithful to Rasik Lal the Faithless. He is running into raptures over the provisions of this Bill, and I hope his justifiable or unjustifiable greed probably will be satisfied by his support of this Bill, but there are others who do not pave the way which he is treading, and for them the position is clear. We must resist this Bill tooth and nail and from top to bottom. It is not in a spirit of levity or petulance that the Congress Party or another section of the Opposition has decided to non-co-operate with the Select Committee. It is not in a spirit of levity, I say, because if my friends of the Coalition Party will remember, in other Bills in which we have differed we have contributed to the improvements of the Bill because although we differed in details we did not differ in fundamentals, but here we differ in fundamentals because we consider that this Bill as the previous Bill, the Secondary Education Bill, is a Bill not calculated to do any good to the province or the city; it is a Bill which is conceived in a spirit of rape and which is going to be executed in a spirit of ravishment. Therefore, we must resist it by all means, and we want to make it perfectly clear that even if we fight with our back to the wall, we must fight up to the last ditch, and I here want to warn my friends of the Coalition Party, and I would request them to consider the matter in a spirit of prudence and in a spirit of statesmanship. We are determined even if we are in a minority, and we believe that at least a strong section of public

opinion—that portion of public opinion which has always been in the vanguard of all movements which meant immense sorrow for themselves but ultimate benefit for the country—in that spirit we must proceed, and I must ask my friends on the other side not merely to be carried away by numerical majority, because after all numerical majority is not the last word. If we have been able with our ideals, with our small equipment, to resist the great European power in certain measures, if we have been able to march ahead to some extent, we assure our friends of the Coalition Party that we shall be able to correct their mistakes, to remove their blunders and to be able to vindicate our cause which is not only the cause of the electorate which we represent but also the cause of the electorate which the members of the other party are now misrepresenting.

With these words, Sir, I beg to support the motion for circulation.

Mr. JATINDRA NATH BASU: In dealing with the constitution of local bodies the trend has been to extend wider and wider the sphere of popular control. In progressive countries civic functions are exercised by local bodies untrammelled by interference by the State, except by way of general supervision. It is for the State to foster the sense of civic responsibility. The crippling of self-governing local bodies by permanently taking away powers is hardly the right method to correct irregularities, if and when they occur. There have been defects in public bodies, civic and legislative, which have required correction. Take the case of the British Parliament. Serious defects like pocket boroughs continued until so late as 1833. But progress was achieved not by the extension, but by the shrinkage of royal prerogatives, and by the extension of popular control.

The process is sought to be reversed in the case of the Calcutta Corporation. It came into existence 64 years ago. It is no longer an infant, incapable of understanding its duties and of carrying them out. But the treatment, that is intended to be extended to it by this Act, has been conceived on the assumption, that it has no power of judgment and no power to correct itself. Sir, the municipal law, which this Bill seeks to alter in a drastic manner, already provides a proper procedure in case of defects and irregularities that may occur in the working of the Corporation. Section 15 of the Act of 1923 enables Government to require returns, statements and reports to be furnished by the Corporation. Section 16 enables Government to depute one or more officers to inspect and examine the departments, and the work of the Corporation. Section 17 authorises Government to require the Corporation to take corrective action to the satisfaction of Government. Section 18 provides that in default of the Corporation complying with the requisitions made by Government, Government may appoint a

person with power to take necessary action. Section 19 gives Government the power to annul the proceedings of the Corporation after considering any representation that may be made by the Corporation.

Sir, the public have a right to demand of Government if any of these powers already vested in Government has been sought to be exercised. If defects and irregularities have been found, why have Government failed in their duty, and neglected to apply the corrective which they had in their hands? I pause for an answer.

For a body like the Government of Bengal, which should take its work seriously, the failure to apply the elementary principles of public administration in its dealings with autonomous self-governing local bodies is a grave neglect of duty.

When a person is charged with an offence, light or heinous, specific charges are formulated against him, and he is afforded an opportunity to answer and to clear himself. By this Bill, Government is seeking to pass a sentence on one of the oldest civic bodies in India, which will have the effect of crippling and disfiguring the Municipal Corporation of the second City in the British Empire. This is going to be done without an enquiry worthy to be so called, and without any opportunity whatsoever being afforded to the accused Corporation to clear itself of the charges.

In this case, we are faced with the absence of any preliminary enquiry and the formulation of any charges. If what is very vaguely shadowed forth in the Statement of Objects and Reasons annexed to the Bill may be said to be the charges, then it is an insult to the intelligence of the members of this House to expect them to act upon them. They are no charges at all.

The powers sought to be vested in Government under clause 5 of the Bill of annulling of its own motion, without preliminary enquiry or explanation the proceedings of the Corporation or of any Committee or Sub-Committee of the Corporation are of a drastic character.

The Bill also lays down that the power of dissolving the Corporation may also be exercised by Government without enquiry and without a statement of the charges or calling for an explanation. I trust honourable members will carefully consider the implications of clause 5 before coming to a decision on it.

Sir, as regards appointment of officers, the Councillors and Aldermen, who are and will continue to be directly responsible to those that send them to the Corporation and to the public generally, will be deprived of the power to appoint the personnel required for carrying out any scheme or policy. If it is intended to convert the Corporation into a mere debating society, no better method could have been chosen than the one contemplated by the Bill in the matter of the appointment of the Chief Executive Officer and other members of the staff. The

power of choosing the tools should be in the hands of those, who are vested with the responsibility for the working of the machine. If the spirit of self-government is intended to be fostered and developed, then the facilities for the exercise of the power of Government should not be taken away. Such a course is likely to result in the paralysis and ultimate death of true self-rule.

I may call attention to the provision about the appointment of the Chief Executive Officer. It has been so provided that the Chief Executive Officer may be appointed only from amongst men of the Indian Civil Service and from men on the Executive side of the Provincial Service. It is assumed that capable men cannot be found anywhere else except in those two services. In this connection I may refer to another important local body, viz., the Port Trust of Calcutta. There have been Chairmen and most successful Chairmen of the Port Trust who have neither been Revenue Collectors nor Deputy Magistrates.

With the limited time at my disposal, it is not possible to deal with the details of the Bill. I approve of the proposals for an extension of the franchise, which are steps in furtherance of self-government.

Regarding a Service Commission, no ground has been made out why Government should appoint such a Commission. The Corporation is a large and important body. If it is thought likely that political considerations would influence the appointment of a Commission by the Corporation, the same apprehensions attach to appointment of a Commission by Government. In this respect, the Corporation may probably claim that greater trust should be reposed in them, inasmuch as the leaders and followers of those, that control Government and Government measures and action, leave this House in no doubt which way their strong leanings are.

Sir, the manner in which this measure has been thrust upon this House shows haste, the reason for which has not been explained. Only last year, a measure was passed vitally affecting the constitution of the Corporation, by taking away the quantum of representation from some quarters, and by extending representation in other quarters. It was expected that Government would allow the changes so effected in the composition of the Corporation to work sufficiently long to enable Government to decide if they deemed any other steps to be necessary. But before a year is out, the present Bill is introduced taking away important powers from the people of Calcutta, and the Corporation, which is supposed to represent them.

Sir, I oppose the Bill and the reference of it to a Select Committee.

Mr. HEM CHANDRA NASKER: Mr Speaker, Sir, in 1923, late Sir Surendra Nath Banerjee of revered memory, the then Minister for Local Self-Government, deofficialised the administration of the

Calcutta Corporation by amending the Calcutta Municipal Act. He was the first man in India who urged the demand for Dominion Status, as his main aim was to democratise India, and with this end in view, he sowed the first seed of democracy in this city, to grow. According to the Act of 1923, the municipal affairs of Calcutta came under the control of the representatives of rate-payers. The Chief Executive Officer was to be appointed by them. The constitution of the Corporation had been democratised by broadening the franchise, by abolition of plural voting and admission of females into the electorate.

The Calcutta Municipal Amendment Act of 1933 somewhat diminished the elements of self-government with a view to bring the administration under the control of the Provincial Government. The present Ministry amended the Municipal Act in 1939 and increased the number of seats without any rhyme or reason, as it was neither based upon the ratio of population, nor upon the proportion of tax paid by the rate-payers and introduced separate electorates and thereby divided the rate-payers into two distinct compartments—Muhammadan and non-Muhammadan. So this measure was rightly called as the "Black Bill" by the Nationalists.

Now the present Ministry wants to transfer power from the hands of the Councillors and place it under their own full control. So they want to amend the Municipal Act, on the plea that the experience of the working of the Municipal Act, 1923, during the last 16 years had demonstrated that the political views of the party in power in the Corporation have largely influenced the day-to-day administration of the Corporation with the result that the efficiency of administration has been impaired and that the appointments to posts under the Corporation have often been made on personal or party consideration, and complaints of maladministration in various departments of the Corporation, which can be traced often to a deliberate evasion or infringement of provisions of law, have been persistently brought to the notice of the Government. But the charges have not been substantiated. My humble self who had the privilege to be in touch with the Calcutta Corporation for the last 16 years cannot but deny the charges. The past records of the Calcutta Corporation will show that the charges are unfounded and without any justification. There is no solitary organisation in the civilised world, which is perfect in administering its affairs. As regards the Calcutta Corporation, I find that during these 16 years, it has not only remarkably improved the conditions of the city by improving the roads, and drainage system on scientific method, water-supply, but also improved the condition by its social services, viz., primary education, maternity units, children welfare works, etc. As a matter of fact, Corporation affairs as have hitherto been administered leave no room for any party's grievances. If any serious complaint had been made to the Government as regards

maladministration, the Government would have at least asked for an explanation from the Corporation, because they have got such powers. But I do not know of any such occasion when the Government took any step against any sort of maladministration. Though the appointments were sometimes made on personal or party influence yet justice and equity were preserved and merits were always given due consideration. The Government always approved the recommendations and not even a single case had been referred back to the Corporation even for reconsideration. Take for example, the services of Mr. J. C. Mukerjea, as Chief Executive Officer under section 17 of the Act. The Local Government had power to direct the Corporation to take action when any of its duties, imposed by the Act, has been performed in an imperfect or inefficient manner, and also under section 18 they have got the power to appoint some person to take action, as required by the Government and to take drastic steps and to deal with these cases. But these sections were never applied. Therefore, these allegations are not only false but malicious.

In this present Bill, a provision has been made that the Chief Executive Officer shall be appointed by the Provincial Government and not by the Councillors. He shall hold office for a renewable term of 3 years, with the object of making him subservient and amenable to the Ministry. The Provincial Government shall appoint a Service Commission composed of a Chairman and two members one of whom shall be a Mohammadan, to appoint the officers of the Calcutta Corporation and thus the Corporation shall be deprived of the power of appointing its important officers. Clause 5 of this Bill wants to amend section 14 by giving the Provincial Government power to annul any proceedings of the Corporation or any Standing Committee, etc., and clause 6 wants to introduce section 19A whereby the Government is empowered to supersede the action of any Department of the Corporation

If this Bill is passed, what are the necessities of the Councillors or Committees? With these clauses of the Bill the powers of the Councillors will be crippled in every way and they shall have the position of Ministers without portfolio, and the officialization of Corporation shall be completed. The Chief Engineer, the Chief Accountant, the Chief Health Officer, the Secretary, the Deputy Executive Officers and every servant of the Corporation carrying salary exceeding Rs. 500 per month shall be appointed for a renewable term of 5 years. This system should be discarded at all times, only because good services can never be expected from those officers whose services are periodically dependant on the good graces of the members of an extraneous body or commission. In that case, the officers with the help of their subordinates shall always try to satisfy the Service Commission and the Provincial Government, for the renewal of their own services and shall not be able to look after the benefit and welfare

of the rate-payers. Judging these main provisions of this Bill, I find the inner spirit of the Bill is anti-national and undemocratic. In my opinion the main principles of democracy should always be maintained. If this Bill be passed into law, it would mean the death-knell to self-government. It is an irony of fate that the Government proposed to lower the franchise and seemed thereby to pay a tribute to the principles of democracy, but at the same time they are out to kill the principle of democracy in the administration of Corporation.

Anyway, Sir, I think this Bill is retrograde in character and derogatory in tone. So prudence requires that the Bill should be circulated for eliciting public opinion thereon. We will then be in possession of facts and figures to ascertain in a convincing way that the Bill will at least promote the interest of those for whom it is meant to be introduced.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I support the circulation motion. I have read the Bill very carefully, and at the same time I have heard the speakers, the Hon'ble Nawab Bahadur and downwards, and still I could not clear my mind from the idea that the Bill has been brought with vengeance. The present Government are taking away, by a mere wave of hands, the life-long work of a great patriot, Sir Surendra Nath Banerjee who was connected with the Calcutta Corporation throughout his whole life. The Calcutta Municipal Act of 1923 is a legacy left to the nation by that great patriot, and may I ask, why the present Ministry is demolishing that monument on flimsy grounds. They say that the administration was influenced largely by party system, and that a few posts were given to the party men. Are these sufficient grounds, I ask, to suppress the self-governing institution of the premier city of the East? Will any fool believe that such a grave sin can be committed on such flimsy grounds. I ask in all seriousness will any sane man set fire to his own house, if one of his brothers mismanages the household affairs? For half a century our countrymen fought tooth and nail to wrest from the unwilling hands of the Government the autonomous constitution for the great city. The present Government is going to undo the achievement. Does the Nawab Bahadur who has carefully tended a lump of flesh even for a moment consider what he is doing? What will be the effect of the Bill if it is passed into law. The Mayor will not be allowed to appoint his officers nor he will be able to sign contracts. What will he do then? Our self-styled Ala Hazrat Ghazi Abdur Rahman Siddiqi will be reduced to the position of a keeper of the municipal buffaloes only (Laughter.)——

Mr. SPEAKER: All I wish to say is that you may do whatever you like with the Mayor, but I think you should address a member of this House in a proper manner.

Maulvi ABU HOSSAIN SARKAR: I submit, Sir, the Mayor of the Calcutta Corporation will be reduced to the position of the keeper of buffaloes, or he will be the Director of the conservancy carts or he will be the dignified Lord of the municipal *dhangars* or at best he may be the magnificent Superintendent of the refuse dumps at Chringri-hatta. Will that Mayor feel comfortable? Will any self-respecting man consent to be a Mayor if this Bill is passed into law? Then, again, clothed with these powers they will set up an all-powerful, all-knowing Civilian or a mighty *zabardast* Deputy Collector or Deputy Magistrate as the Chief Officer. Sir, I do not know who will be that blessed creature—may be a brother-in-law or a nephew-in-law or any kind of in-law of a Hon'ble Minister of the present Cabinet. But that will not be nepotism because the appointment perhaps will be made in the name of Islam or in the name of efficiency! But will that estimable gentleman be beyond all reproach and approach? Where is the guarantee? Will he be like the Ceasar's wife as I suggested the other day when Mr. Syed Jalaluddin Hashemy was speaking? Was not the District Magistrate of Mymensingh found guilty only a few years back of bribe-taking? Was not the Superintendent of Police in the district of Rangpur found guilty of illegal gratification? Was not a civilian gentleman holding the highest post in the India Government found guilty of a base conspiracy as disclosed in the Munition Board case during the last war? Let the Hon'ble Minister answer. Government say again that the Corporation Chief was under the influence of the Councillors. Good. But will not the proposed Executive Officer be directly under the thumb of the Cabinet Ministers? Or, is it a fact that the present Cabinet Ministers of His Excellency the Governor of Bengal are demi-gods so that they will not send private letters to the gentleman concerned? Or, will there be an officer of the Crown who will dare disobey the formidable Nawab Bahadur of Dacca? Let the world have an answer. Did I not find four Cabinet Ministers issuing private letters to the then Subdivisional Officer of Gaibandha to interfere with judicial work? Did I not find Ministers interfering even with Central Elections to pamper their party-men only a few months back? Did I not find the Hon'ble Minister issuing private instructions to the Commissioners of Divisions, to the District Magistrates, to the Subdivisional Officers and even to the Circle Officers to manipulate Union Board nominations in order to please the M.L.A's. of their own group? (Cries of "Shame, shame" from the Opposition Benches.) Shall I yet believe that these gentlemen are beyond all reproach and are, as I said, demi-gods? Rather I shall assume that the Cabinet Ministers are trying to usurp for themselves the power and influence, if any, exerted by the much maligned Councillors of the Calcutta Corporation.

There are some proverbs in Bengal, and one of them says that idiots find pleasure even in killing a milch cow. অবোধ গোবধে আনন্দ

পাগল। Another says that a lunatic finds secret satisfaction even in killing his own mother. Did I not find that kind of spirit in the present Bill? It is said that certain officers of the Corporation, especially the Chief was supposed to be under the evil influence of the Councillors. So our divine Government must have the power to suppress the Corporation or any department of it and appoint the Chief themselves! That is, a state of affairs must be created where not only the Chief but the Corporation and the whole of it must be under the perpetual fear of being driven out if they failed to satisfy the tin-gods of Dalhousie Square. Fine and irrefutable logic no doubt! And we are to believe that such a Corporation will be a Corporation where party government or any evil influence will not be found. Sir, they speak of mismanagement in certain departments of the Corporation. But is that a good ground for this drastic remedy? Are not there Deputy Collectors, or Sub-Deputy Collectors in Bengal who will be able to handle files better than some of the Cabinet Ministers of the present-day? (Question!) Was not a Cabinet Minister only a few years back found guilty of giving out Cabinet secrets in England? Are not the Court of Wards' Managers managing the zemindaries of Bengal better than most of the disqualified landlords of Bengal? But, Sir, is that a good ground for sending the Cabinet or Cabinets into liquidation or will that be a good ground for abolishing the zemindary system of Bengal? (Dr. NALINAKSHA SANYAL: Hear, hear.) Sir, as I was listening to the speeches one after another of the supporters of the Bill I was tempted to call the speeches nay the Bill itself as so many reports of the Drain Inspector. These gentlemen found only refuse, dung-heaps, night-soil throughout the whole administration of the Calcutta Corporation. But may I request those gentlemen to remember the state of affairs existing before the Congress Party came to power in the Corporation? As was rightly pointed out the other day by Mrs. Nellie Sen Gupta, free primary education and free treatment of the poor in innumerable hospitals and sanitation centres are the boon of the Corporation during the Congress regime. Did not these gentlemen find an invidious distinction even in urinals marked "For Europeans" and "For Indians" in the streets of Calcutta in the pre-Congress days? Were not some streets in Calcutta marked only for Europeans where if anybody ventured to walk the long cane of the European Sergeant would touch the back of any Bengali or of any Indian for the matter of that? Were not places reserved in Calcutta where dogs and Indians were equally prohibited from entering only a few years back?

Mr. SPEAKER: Mr. Sarkar, you are roaming over such a large field that I think you won't be able to finish all these tales regarding the acts of omission and commission even in a few days, I mean, you

are traversing much wider ground. I have permitted you to do so so far; it is very interesting no doubt but not here and now.

Mr. ABU HOSSAIN SARKAR: All right, Sir. Had any party or gentleman the courage to stand against this nuisance to take away——

Mr. SPEAKER: Order, order, I am sorry to ask you to abandon that point, and finish your speech.

Dr. NALINAKSHA SANYAL: On a point order, Sir. May we know by virtue of which power in the rules you are trying——

Mr. SPEAKER: Well, Dr. Sanyal, I am not prepared to give an explanation save that the speaker was not relevant.

Dr. NALINAKSHA SANYAL: He was trying to develop his own point through these illustrations. May we enquire if it would be held irrelevant if a member tries to explain what improvements have been effected under the organization of the Congress since 1923 and why any interference should not be made with the constitution of the body?

Mr. SPEAKER: I cannot offer any theoretical or problematic answer. I have been listening to the speaker carefully so far and I noticed that Mr. Abu Hossain Sarkar was not to the point.

Mr. ABU HOSSAIN SARKAR: As I was submitting, Sir, the Congress party stood against all this nuisance and they removed the insults which were meant for the whole nation. I make bold to say that not only of the citizens of Calcutta but dignity and honour of the entire Indian nation was raised by the Congress Party in their doings in the Congress Municipal Governments. At the same time, Sir, I am not blind to its defects and shortcomings also. It was not perfect, I admit. But there are other remedies for that—not this drastic change of suppressing this self-governing institution itself.

One should not kill a wayward child in order to correct its character, to mend its ways. This unfortunate Corporation, I submit, was more sinned against than sinning. But still I wonder how the noble Nawab who breathed the free air of some European countries could stand before the 20th century public and say that for the matter of administration and to purify it, he will set back the march of democratic constitution. I was listening to the speech of a member of the European group the other day with some amazement and wonder. He said that the measure was a retrograde one but the whole group would support it for the matter of improving its management. I ask, in all seriousness, the European gentlemen on my left: it is an admitted fact

that their democratic premier, Mr. Chamberlain, mismanaged the Norway expedition, for that, will these gentlemen propose that the democratic constitution of England should be suppressed and be substituted by Nazism or Communism or whatever comes in the way? These gentlemen should know that the Lord Mayor of London is the first citizen and that the foreigners also covet the free citizenship of that great city. If they have any respect for constitution, I think the European gentleman should not have voiced the feeling which he gave vent to the other day.

Then, it is said that they are enlarging the base of the franchise. But I submit that it is in homœopathic dose. We stood and stand for adult franchise and there are countries in the world that are giving adult franchise to the whole nation, but here in Calcutta——

Mr. SPEAKER: Your time is up.

Maulvi ABU HOSSAIN SARKAR: I shall take only a few minutes, Sir.

Mr. SPEAKER: It will be very difficult to give you much extra time. Immediately after you, Mr. Basu wants to speak.

Maulvi ABU HOSSAIN SARKAR: Well, Sir, I shall finish soon. We stood for adult franchise, and as I submitted whole nations are being enfranchised elsewhere, but here in the premier city of the East, we are proceeding at snail speed. Therefore, it is only a whitewash to cover the big fraud for suppressing the constitution of Calcutta Corporation.

I now look to the other side of the shield. It is said that the Congress Party has mismanaged and practically killed the Corporation, but I think otherwise. The Corporation itself has killed nationalism in Bengal. Mr. C. R. Das took charge of the Corporation and managed it in a way that it stood as a glory for the whole nation, but after his death, these party growths and sub-growths scramble for power and it has gone so far that nationalism in Bengal is practically dead. I wish that instead of being driven out of the Corporation in this way, the Congress Party should have washed their hands long ago of the Corporation. Now, the Corporation belongs to the rate-payers. I ask in all seriousness the Minister-in-charge of this Bill whether he has got any memorial or any petition from the rate-payers complaining about the mismanagement of the Corporation. The Corporation itself passed a resolution only the other day disapproving of the Bill and without any representations or any prayer from the rate-payers and with this diverse opinion of the Corporation, I do not know how the honourable gentlemen agian are proceeding with this Bill. I say, Sir, why this

over-anxiety to do good to the rate-payers who seem to be satisfied with the working of the party in power. Then again why this amendment is being made? Where is the plan or scheme? Are they trying to do any good to the citizens of Calcutta? Is there any indication that they are trying to ameliorate the conditions of the rate-payers of Calcutta? The Congress Party took power and they at least introduced free primary education, free medical treatment, and sufficient supply of drinking and unfiltered water to everybody, but here in this scheme we find nothing,—only the suppression of the constitution and no more. So, I submit that this Bill has been brought only with vengeance to suppress the advanced constitution of the great city without any ulterior motive to do good to the rate-payers or to the nation at large.

With these words, Sir, I support the motion for circulation.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I rise to support the motion for circulation of the Bill moved by my honourable friend Mr. Satya Priya Banerji with such ability and eloquence. Sir, for the last two weeks I had been prevented by illness from attending the sittings of the Assembly and was prevented by the same cause from coming and recording my opposition to the Secondary Education Bill. If to-day on this momentous occasion my voice does not reach the farthest corners of this Chamber I shall claim the indulgence of my honourable friends in that respect.

Barely a year has elapsed since the Calcutta Municipal Amending Bill was placed on the Statute Book at the instance of the present Ministry. Communal electorates were set up in utter disregard of the opposition raised by the vast majority of the rate-payers of this great city. In the course of the debate on that amending Bill opinions were expressed by some of the supporters of that measure that if that Bill was passed into law the balance of power in the Corporation would be effectively disturbed and the Congress Party which had been in power for more than a decade and a half would be reduced to the position of nonentity. The elections which followed, however, told a different tale. The representatives of the Congress Party came in large numbers and were returned from a large number of wards in this city. What is more, some of the sponsors of that amending Bill themselves entered into a combination with the members of the Congress Party and placed the latter in a position of power and themselves shared that authority with the Congress Party for the purpose of carrying on the great civic programme which the Congress Party had chalked out for itself. The expectations raised by the last Bill evidently failed so far as some of the supporters of that measure were concerned. In fact I noticed a public lamentation uttered in the editorial columns of a Calcutta daily which had taken up a consistent attitude in support

of that ill-conceived measure. That comment was to the effect that the amending Bill from which so much was expected in the matter of disturbing the balance of power in the Corporation had failed to achieve its purpose, and the question was asked "when is the next Bill coming?" And the next Bill has not been slow to come. Such is the political background against which this ill-conceived measure now claims our attention in this House.

Sir, this measure masquerades in the garb of a great civic reform born of inescapable necessity. The changes proposed in this Bill are so fundamental and far-reaching in character, so outrageously reactionary and so utterly out of date, that the Hon'ble Minister himself was forced to confess that "the proposed measure was a retrograde one, not quite in harmony with progressive, democratic ideals of local self-government".

Sir, the Calcutta Municipal Act of 1923 was conceived by Sir Surendra Nath Banerjea in accordance with the salutary principles laid down by the Government of India in their famous resolution of May, 1918. That resolution was framed on the lines enunciated by the late Edwin Montagu and the late Lord Chelmsford in their memorable Report on Indian Constitutional Reforms in India. The Joint Authors were especially insistent on the invaluable training which the exercise of local self-government affords to the citizens. "The unskilled elector", they observed, "can learn to judge things afar off only by accustoming himself to judge first of things near at hand. This is why it is of the utmost importance for the constitutional progress of the country that every effort should be made in local bodies to extend the franchise, to arouse interest in the elections, and to develop local conditions so that education and citizenship may as far as possible be extended and everywhere begun in a practical manner". The Joint Authors laid down as a definite formula that there should be as far as possible complete popular control in local bodies and the largest possible independence for those of outside control. The resolution of the Government of India reflected that in future responsible institutions will not be stably rooted unless they are broadbased and that the best school of political education is the intelligent exercise of the vote and the efficient use of administrative powers in the field of local self-government. The resolution formulated certain basic principles calculated to establish complete popular control over local bodies, including an elected majority and the elimination of the official executive officer. It proposed, where official experience was held to be necessary by way of advice, that this should be secured by nominating experts for discussion and advice without the power of voting and, generally, that the radius of official control should be strictly circumscribe

Such was the basis of civic freedom and democratic training on which the genius of Sir Surendra Nath Banerjea reared the structure of the Calcutta Municipal Act of 1923. Such were the ideals of constructive citizenship which the cruel vandalism of the present Ministry seeks to shake and shatter.

Sir, history does not record a constitutional outrage of such enormity perpetrated by any Government upon a helpless people. Our popular Ministry is not ashamed of seizing the hands of progress and by sheer violence attempting to put it back half a century behind. A highly enlightened and progressive administration of one of the foremost cities of the world, carried on on the most advanced and up-to-date lines for more than a decade and a half, is to be brought down to their own miserable level and relegated to the position of a fifth rate mufassal municipality modelled on the Bengal Municipal Act, "Level down"—that seems to be the glorious motto which our present popular Ministry has set for itself.

The Hon'ble Minister seeks to justify his admittedly retrograde and reactionary handiwork on the allegation that nepotism, inefficiency, corruption and favouritism have characterised the administration of the Corporation of Calcutta during the last few years, and that his proposals afford the only remedy that could be thought of.

Sir, when such serious allegations are made against a premier self-governing institution in this country, and they are sought to be made the pretext for robbing that institution of its cherished autonomy, it calls for a strict and elaborate scrutiny.

Sir, I have neither the time nor the inclination for such examination in detail because our experience in this House has convinced us that reasoned opposition and cogent argument are no match for dishonest partisanship and vindictive communalism. (Dr. NALINAKSHA SANYAL: Hear, hear.) (Mr. ABDUL WAHAB KHAN: Question!) Yet it is necessary for posterity to witness that even in a House packed with an artificial and unthinking majority civic freedom was not allowed to be sacrificed without a murmur, and noble institutions did not crumble into the dust without any attempt to prevent such a catastrophe.

May I, therefore, examine within a brief compass if there is any truth or honesty behind the vague and nebulous indictment which the Hon'ble Minister has attempted to frame against the Calcutta Corporation? It is notorious that the wresting of power in the city of Calcutta from official hands and the undoing of the wrongs perpetrated by the Municipal Act never found favour with a certain influential section of the official and non-Indian population of this city. And

when the late Deshbandhu Chittaranjan Das stepped in with a well-drilled party, inspired by lofty idealism and the spirit of service to the poor, to instil a new life into the dry bones of municipal routine, the cry was raised from interested quarters that Calcutta was in danger even before the new Corporation began to function.

With the gradual Indianisation of the superior posts in the Corporation, with important local contracts passing into Indian hands, with a patriotic outlook pervading the atmosphere of the city in the matter of civic addresses and civic receptions, with a spirit of self-respect and self-determination dominating the affairs of the Corporation, that false and malicious propaganda continued to grow in volume and extent. Even the stability and the soundness of the finances of the Corporation were not left immune from attack. Propaganda was directed to jeopardise the Corporation loans, so that if the Swarajist Corporation could be made to fail to meet its financial commitments, particularly in the British market, the occasion might be trumpeted before the civilized world and India's case for complete responsible government damaged beyond repair.

It is against such tremendous odds that the Corporation had to fight its way. It was inspite of such continuous handicaps that the Corporation succeeded in accomplishing their vast and varied tasks. They completed a three-crore scheme of waterworks extension, a two-crore scheme of main drainage extension, a one-crore programme of primary education, contributing lakhs and lakhs for hospitals and dispensaries, initiating in the teeth of Government opposition an electricity scheme of its own, compelling reduction in charges of electricity and gas, bringing about reduction in tramway fares, establishing maternity homes, milk kitchens and municipal markets, taking over and maintaining miles and miles of roads, improving and paving lanes and bye-lanes, lighting and brightening thoroughfares, big and small, and patronising indigeous industries wherever available for satisfying the requirements of the Corporation. Thus did the Corporation continue to offer provocation to vested interests, divested of its activities, and the hospitable columns of interested papers offered a perpetual invitation to open attacks and malicious propaganda against the Corporation.

Sir, the Government of Bengal, as it was then constituted, lent its ears to all this propaganda and even noticed it in its official reports. But knowing as it did its true nature and the vast amount of sound, solid work carried on by the Corporation in its activities from day to day, it refused to take any action, as was evidently desired by the clamorous critics of the Corporation. In its report submitted to the Simon Commission on the working of the Reformed Constitution in Bengal, the Government of Bengal presented a picture of the

reformed Corporation in which they noticed these criticisms. But this notice of criticisms was followed by the following significant observation by the Government of Bengal:—

"Whatever foundation there may be for these criticisms"—and I invite the attention of each and every member of this House to this memorable passage in the report—"whatever foundation there may be for these criticisms, there is much to be said on the other side. The difficult period of transition from a wide official control to the complete control of elected representatives has passed without disaster, and there is no apparent demand for a return to the former constitution. Mr. Das and Mr. Sen-Gupta both presided over meetings with fairness and dignity. Councillors in general showed no lack of interest in civic affairs and gave up much time to attendance at Corporation and Committee meetings. There is great keenness on medical and public health work, and the zeal for Primary Education is shown by the large number of new schools which have been started during the last few years."

And the Government report concluded with the significant recognition that the Corporation has got a strong sense of its own dignity.

When the present Government of Bengal take the fatal step of legislation on the basis of such criticisms, they do not care to specify one single instance in support of their case. They merely repeat a vague and general accusation against the Corporation, and like a most unfair prosecutor indulge in abuses and vituperation without giving the unfortunate victim even the shadow of a chance of defending itself. Did they institute any enquiry into those allegations before damning a great civic body and its members and officers? What prevented them from emulating the example of Sir Surendra Nath Banerjea, who, before launching upon legislation, convened a conference of representative citizens of Calcutta whom he took into his confidence? Sir Surendra Nath's Bill was before the public for a considerable period of time, and the Corporation of Calcutta and the adjoining municipalities had the fullest possible opportunity of considering each and every clause of the Bill and of expressing their opinion thereon. If the city had been groaning so long under the administration of an offending Corporation, it is the ratepayers and the citizens who would be the worst sufferers. Has the Hon'ble Minister cared to ascertain their opinion?

Sir, there is one significant circumstance to which I shall draw the attention of the House. The Bill bears date—the 10th June, 1940. Less than three months before that date, there was a general election in the city when the rate-payers were called upon to elect their representatives, and different parties sought their suffrage on the strength of their programmes and achievements. What prevented the

Hon'ble Minister from publishing this Bill only three months before so that the contending candidates might be in a position to make it the principal issue in the election contest. If the Minister had the courage to place before the rate-payers the catalogue of charges he has now brought against the representatives and the servants of the Corporation, if there was the slightest vestige of honesty behind the plea now taken to justify the Bill, why did the Government delay the publication of the Bill till after the election and deprive the rate-payers of their legitimate right to express their opinion on the work and worth of their representatives in a direct and straightforward manner that democracy recognises and sanctions?

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, when the House rose for recess I was dealing with the question of necessity for ascertaining the opinion of the rate-payers on the merits of this proposed measure. May I make a suggestion even now to test the *bona fides* of the accusations levelled by the Government? Instead of sending the Bill to a Select Committee let them take this limited power under this Bill. Let them pass the clause lowering the franchise and requiring the Corporation to prepare an electoral roll on that basis in the course of the next three months. Let them then hold a general election in January next only for the purpose of ascertaining the opinion of the electorate on the question of the alleged maladies of inefficiency, nepotism, favouritism and corruption and on the remedies suggested in the proposed Bill, namely, an official Chief Executive Officer, the Service Commission, and dissolution and supersession of the Corporation and its departments. If they get the clear verdict of the rate-payers in favour of this Bill on those vital issues, the main Bill may be brought up in the Budget Session before this House and passed without a single dissentient voice. If, on the other hand, the rate-payers by the choice of their representatives tear this Bill into pieces and fling it back on the face of the Government, let it be buried five fathoms deep never to be brought up again to deface the Statute Book of Bengal. Can the Government muster up courage to accept this offer? Let it be the acid test of their *bona fides*.

I am not contending for one moment that the Calcutta Corporation in common with other human institutions is altogether free from the infirmities mentioned by the Hon'ble Minister. I am free to confess that the selfish and short-sighted individual Councillor is a menace to representative institutions, and the Corporation of Calcutta is not entirely free from their harassing depredations. Fortunately they have

always been insignificant in number, and as against them has always stood the better opinion of the great majority of elected Councillors, and the ultimate good sense of the Corporation as a whole. I am also well aware that in his anxiety to purge the Corporation of any growing evil so as to make it in reality a "working model of Swaraj" as visualised by our late leader, the first Mayor of Calcutta, Srijut Subash Chandra Bose set before his party the great task of cleansing the Augean stables. But that was done to set up the ideal of democratic reform, to cleanse the stables and not to demolish them altogether, to make the horses strong and active in the service of the city and not to remove them quietly to lodge them safely in Writers' Buildings. Srijut Subash Chandra Bose by his public declaration has demonstrated that if there are defects in the Calcutta Corporation the leaders have the courage to own them up and to call upon their followers to effect a thorough cleansing. That indeed is a clear argument against the Bill and not certainly in its favour.

May I, Sir, in this connection refer to the state of affairs in the Corporation of Glasgow which equals the city of Calcutta in the magnitude of its population. Sir Daniel Stevenson, Lord Provost of Glasgow, said of the Glasgow City Council as follows:—"Members of the City Council are and have always been intensely critical of their own work, so much so that a stranger listening to the debates might think that hardly a single department is properly managed. It is well that they should set for themselves a high standard." Fortunately for Glasgow there was no Nawab Bahadur of Dacca in the Ministry of Health to seize upon this self-criticism and to make that a pretext for superseding and officialising the municipality.

On a close and critical study of the provisions of the present Act since its enactment and on an observation of its application for more than a decade I am convinced that the safeguards provided in the present Act for ensuring Government control are fully effective and sufficient. Sections 13 to 19 of the Act are quite comprehensive and self-contained and there is absolutely no lacunæ in them as contended by the Hon'ble Minister. If he approaches the question with a fair and open mind, it would be easy to convince him of the accuracy of my statement. But if he puts it forward as a justification for new powers of supersession and dissolution, then it is useless to argue with him. Have the Government ever thought of putting these powers to use and have they ever been found wanting?—I ask the Hon'ble Minister.

On the question of efficiency, I am aware that the psychologist has yet to discover the magic instrument which will by a rise and fall of the needle record that elusive entity "efficiency" or its negation. It may be that the Hon'ble Minister-in-charge of the Bill and some of his

other colleagues in the Cabinet are such super-efficient beings as would rarely adorn the Treasury Benches in any legislature. But at the same time may I ask him in all humility if it is too much to expect that those ordinary inefficient mortals who are toiling in Corporation Place day in and day out and making by their activities the lives of the Hon'ble Ministers worth living in this city, they also are entitled to some just appreciation of their endeavours and services.

On the question of interference with the Chief Executive Officer on the part of individual Councillors, the remedy suggested in the Bill is to take away from the hands of the Corporation the power to appoint that officer. The most effective way to stop headache is undoubtedly to cut the head off. No one can question the supreme efficiency of that method. But there may be other methods of curing the malady keeping the head in tact. The best way that will suggest itself is to keep the present power of appointment in the Corporation and then to make the officer permanent till superannuation, with the power of removal by a vote of a two-third majority as existed in the Mackenzie Act and repeated in the present Bill.

But instead of providing the obvious safeguard of permanency, the Bill proposes to reduce every officer of the Corporation to a five years' tenure of office, hauling them up before the proposed Services Commission after every term of five years. This fine scheme will perfectly fit in with the scheme of perpetual job-hunting in the Corporation by the henchmen of the Ministry through the agency of a subservient body glorified by the name of a Services Commission. But from the point of view of specialisation and of efficiency of service this novel scheme will prove disastrous to the city.

Then comes the question of the Services Commission. The Hon'ble Minister parades before us the analogy of the Government of India Act. The absurdity of the claim is so manifest that it cannot stand a moment's scrutiny. The Public Service Commission under the Government of India Act is not constituted by a political party like the Ministry or the Government of a Province but by the Governor in his individual responsibility. In the proposed Services Commission for the Corporation the Government of Bengal seeks to arrogate to itself the enormous power of dominating the services of a miniature province which was denied to them under the Government of India Act so far as the province of Bengal is concerned. Has Bombay done it? Has Madras done it? Is there any such system anywhere in the United Kingdom with regard to one single municipality, County Council, Urban or Borough Council? Is not the power to appoint all their officers vested in all those Councils by the statutes passed in Parliament? And has any such power ever been taken away from any one

of them? Not that in the United Kingdom the best man is always recruited for a job. To quote again the Lord Provost of Glasgow: "I hope," says the Lord Provost, "that before long the Corporation will see the completion of a proper civic service organization. With such a vast and ever increasing field, there has been abundant scope for talent and energy, and these have never been lacking. But there has been a want of co-ordination" and I ask you, Sir, to mark these words "and admission to the service has not been subject to such careful selection and proof of ability as are desirable." Will the Hon'ble Minister kindly enquire if this admission on the part of the Lord Provost of Glasgow has resulted in a Services Commission being foisted upon the Corporation of Glasgow by a benign British Government ever anxious to protect the interests of the city, and not to oust the political party in power or to feed hungry mouths among the supporters of that Government? Sir, the Hon'ble Minister has had to go all the way to the Irish Free State in search for a precedent for a Services Commission. I understand, Sir, that this Irish Free State Act to which reference has been made in the Statement of Objects and Reasons has been unearthed for the use of the Ministry by a British official until recently appointed in the Reforms Department of the Government of Bengal. Sir, the way in which our Ministry is following in the footsteps of the Irish Free State shows that they are perilously near a declaration, I am afraid, of neutrality on the part of the Government of Bengal in the present war. Sir, the Lord Provost of Glasgow suggested the establishment in the University of a Chair of Civics with a professor and lecturers capable of teaching citizenship in the highest sense, with all its ramifications, and incidentally, of attracting and training those best qualified to act as public servants and administrators. That is precisely the suggestion which has already been made for the University and the Corporation of Calcutta. But while the Chair of Civics is yet to come, the Corporation has already instituted a system of examinations with the willing assistance of University Professors and lecturers for the recruitment of its junior and senior employees as is done in the Corporation of Birmingham. The description of the system of examinations introduced by the Corporation of Calcutta with full curricula and other details will be found in the latest Government publication on Employment. I refer to the useful Handbook compiled by Dr. N. G. Das, I.C.S. In spite of all these arrangements our Ministry must divest the Corporation of all power to recruit its own officers and vest it in a body created and recruited by themselves.

In bringing my observations to a close, may I only sound a note of warning? Calcutta has travelled a very long way since Sir Alexander Mackenzie placed his handiwork on the statute book half a century ago. The rate-payers and citizens of this great city are to-day vigilant

and wide awake and intensely jealous of their cherished rights of self-government. By merely passing a measure in this legislature you cannot force it down their throats and plunge Calcutta back into a state of primitive barbarity so far as their constitution is concerned. I would ask the Government to take heed while yet there is time. Let conciliation and not coercion be their watchword.

Mr. SYED BADRUDDUJA: Sir, never before in my public life was I faced with a more difficult and uncomfortable situation than what confronts me at the present moment. Torn between divided allegiance to the Corporation of Calcutta and the Coalition Party in the Bengal Legislative Assembly I feel a little ill at ease this evening to discuss the Calcutta Municipal Amendment Bill, 1940. While on the one hand as a self-respecting Councillor of the Calcutta Corporation I should resist any encroachment on the civic autonomy of the city, on the other I must support any measure calculated to improve the tone of the civic administration and purge it clean of all the dross and accretions that have gathered round it so that the stream of civic life might flow on in its pristine purity.

Sir, the various provisions of this Bill were discussed threadbare on the floor of the Corporation Council not once, but twice. I do not think we have anything new to add after all the arguments that have been advanced on both sides. There is, however, a great controversy about certain clauses of the Bill, clauses 5, 6, 17, 18 and 26—clauses dealing with annulment of the proceedings of the Corporation, any standing committee, sub-committee or special committee thereof, clauses dealing with the dissolution of the Corporation, appointment of the Chief Executive Officer and the Services Commission. Round these clauses, Sir, controversy has raged. Even to-day the real target of attack are these clauses. Sir, I will presently come to the sections and will try to throw what little light I can according to my own convictions, upon those particular clauses that have been criticised so much by the Opposition at the present moment. But before I do so, I crave your indulgence to make a few general observations on the Bill. For the last two or three days and more especially to-day, the debate over the Municipal Bill seems to have taken an acrimonius turn. Charge-sheets have been framed both by members of the Coalition Group and the Opposition against the Corporation of Calcutta and the Bengal Government, respectively. I too have my own charge-sheet to frame against the Corporation on purely personal grounds. But I would have none of these personal bickerings. On the other hand, I will declare on the floor of this House that no self-governing institution in Bengal under Hindu domination not excluding the University of Calcutta has been more sympathetic to Muslim aspirations and demands than the Corporation of Calcutta under the

inspiration and guidance of one of the noblest souls that ever breathed in Bengal. That great patriot came much before his time, foresaw the dark and ominous clouds hovering over our head to-day and sacrificed his life in cementing the bond of sympathy and deepening the note of love between the two great communities of Bengal. The policy of Deshbandhu Chittaranjan Das was for a time pursued by two of his illustrious successors—by Messrs. J. M. Sen Gupta and Subhas Chandra Bose. Subsequent events, however, very greatly disturbed the natural course of things. Mr. Subhas Chandra Bose as Chief Executive Officer of the Calcutta Corporation declared in no uncertain terms on the floor of the Corporation Council in 1924: "Hindus have hitherto enjoyed a sort of monopoly in the matter of appointments. Times have, however, changed; and the Corporation to-day has got to respond to the spirit of the times. Monopoly has got to cease." But soon after the death of Deshbandhu Chittaranjan Das, the historic pact of Deshbandhu which sought to accommodate Mussalmans in very large numbers in Corporation services was buried ten fathoms deep in Krishnagore. I do not for a single moment object to the record of achievements of the Calcutta Corporation so ably presented before this House by our esteemed colleague Mrs. Sen Gupta. But, while she has only referred to one side of the picture, she has missed the other side altogether. We, however, propose to take stock of both the credit and the debit sides. It is very unfortunate that while we are discussing things, we cannot take a dispassionate and detached view of the whole situation. To-day Mr. S. K. Basu, for whom I have nothing but deep regard, has tried to show that reasoned criticism and cogent arguments are no match for dishonest partisanship. I can assure him—and I can point out to him most emphatically with all the seriousness at my command—that reason, common-sense, resourcefulness, honesty and integrity are not the monopoly of Mr. Santosh Kumar Basu and his group.

Sir, it cannot be contradicted for a single moment that the affairs of the Calcutta Corporation during the last fifteen or sixteen years have been mishandled and mismanaged and there have been serious cases of maladministration, maladjustment and irregular cases of assessment; specially in the Building Department where a scandalous state of things was unearthed by the Mayor of Calcutta in the year 1937. And Mr. Subash Chandra Bose himself on the eve of the recent Municipal Election declared most emphatically that the Augean stables had got to be cleaned, that the administration of the Corporation was anything but satisfactory. Sir, leaders of public opinion and even the nationalist press and platform have unmistakably pointed out the rotten state of things obtaining in the Corporation. Even after that, if somebody comes forward not as an honest critic but as a partisan

to defend the vagaries and irregularities of the Calcutta Corporation, then we must say good-bye to honesty, sincerity and all considerations of fair play and justice.

I shall now deal with specific cases of maladministration. First I shall deal with cases of irregular assessments which have very badly prejudiced the revenue outlook of the Corporation. Of the total Corporation revenue of Rs. 2,49,35,502 during 1939-40 the consolidated rates (house taxes) alone amount to Rs. 1,78,28,159, i.e., about 72 per cent. of the total income.

The House, however, will be amazed to learn that in spite of the lean years through which the Corporation is passing, valuation has been reduced considerably in many cases through the instrumentality of Councillors of the Calcutta Corporation. In almost 90 per cent. of cases Councillors have intervened. A few cases are cited.

In Ward No. 27 in a particular case the existing valuation is Rs. 1,618 based on a rental of Rs. 185 per month, while the actual valuation is Rs 2,493 on the basis of the actual rent of Rs. 285 per month. That is, the assessment in this case has been 54 per cent. less.

In Ward No. 5 in a particular case the existing valuation is Rs. 15,746 based on the rental of Rs. 1,800 per mensem while the proper valuation is Rs. 19,245 on the basis of actual rent of Rs. 2,200, i.e., the actual assessment is 22 per cent. less. In another case in the same ward the existing valuation is Rs. 4,635 based on Rs. 530 per mensem but the actual valuation is Rs. 8,073 based on the actual rent of Rs. 923 per mensem. The assessment here is 74 per cent. less.

Dr. NALINAKSHA SANYAL: What do they prove?

(A VOICE FROM THE COALITION BENCHES: Jobbery.)

Mr. SYED BADRUDDUJA: Nobody can challenge that.

In Ward No. 16, I have come across 6 cases where assessments have been considerably reduced. In the first of these cases the existing valuation is Rs. 826 based on Rs. 85 per month, while the proper valuation is Rs. 1,458 on the actual rent of Rs. 150 per month, i.e., assessment is 77 per cent. less.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. When Mr. Abu Hossain Sarkar was speaking, you were pleased to enquire as to the relevancy of certain statements. My friend now refers to assessment cases. We do not find in the Bill any provision investing the Coalition Party with powers of assessment. Therefore, I would like to enquire if this is not also irrelevant.

Mr. SPEAKER: I would ask you to wait and see.

Mr. FAZLUR RAHMAN (of Dacca): Is not the honourable member reflecting on your decision, Sir?

Mr. SPEAKER: That decision has not been challenged. I think that every member is entitled with decorum to bring to my notice any remark that is not relevant. I cannot bar that.

Mr. SYED BADRUDDUJA: In the second case, the existing valuation is Rs. 1,117 based on Rs. 115 per month, but the proper valuation is Rs. 1,450 based on the actual rent of Rs. 150 per month, i.e., assessment is 31 per cent. less. In the third, the existing valuation is Rs. 1,603 based on Rs. 165 per month, but the proper valuation is Rs. 1,944 on the actual rent of Rs. 200 per month, i.e., assessment is 21 per cent. less. I could go on multiplying cases like this, but the time at my disposal does not permit me to do so. I have given, Sir, only a few of the hundreds of cases of irregular assessments that have been occurring in the Corporation year in and out. This state of things has continued in spite of the definite warning of the Chief Accountant, that the financial position of the Corporation is heading towards a crash. The concluding paragraph of the Chief Accountant's recent note to the Chief Executive Officer is very significant. "It will be seen", says the Chief Accountant, "that during these eight years there has been a net inroad of about Rs. 33,29,000 on the closing balance. Except for the two years 1933-34 and 1934-35, the Corporation have consistently been living beyond their means. This is no indication of a sound financial policy." Taking into account the minimum percentage of the statement just made, it can be safely alleged, that there is room for at least 20 per cent. increase in the valuation, which means an additional income of over Rs. 35 lakhs annually.

Sir, I shall now come to the cases of the Building Department in the Corporation of Calcutta. My friend Mr. Hashemy was waxing eloquent the other day about a particular unauthorised construction in the city. I was rubbing my eyes in amazement as to how he could lose sight of hundreds of cases of unauthorised construction, illegal sanctions of plans that have been for years a chronic feature of the Building Department. But for the timely steps taken by the Mayor in 1937 the veil over corruption and inefficiency would never have been torn off. Let the Acting Executive Officer and the Mayor speak on this point. In reference to a case at No. 17, Tara Chand Dutt Street, the Acting Chief Executive Officer on the 2nd of July, 1937, observed: "The Building Committee on the 31st of March, 1933, sanctioned certain extensions to the projecting verandah of the premises No. 17, Tara Chand Dutt Street, on payment of encroachment fees. The encroachment fee is then calculated by the Building Inspector and the

amount comes to Rs. 1,424-1-9 but as no money was received two copies of the plan were returned to the party on the 25th of August, 1933. Then the file is given a burial excepting when it was raked up once again on 22nd November, 1935, when it came to the Encroachment Inspector." For three years and a half the department sleeps over the matter and no notice is taken of Corporation revenue to the tune of Rs. 1,500 but for the Mayor's digging out the file it would have remained there. "From the file it appears that the building was assessed with effect from 1st October, 1933. It must have been completed (including unauthorised projections) sometimes before that date." It is surprising how a huge building like this at the crossing of the most important thoroughfare could be easily lost sight of. "Coming to the encroachment fee payable to the Corporation, the projections have been measured recently and the figure comes to Rs. 2,345-15-4 and not Rs. 1,424-1-9 as calculated by the Building Inspector in 1933. If the encroachment fee was realised in 1933 the Corporation would have been defrauded of more than Rs. 900." "From the enquiries now made, it is abundantly clear that the case is not an isolated one, but is one of a large series of cases in which Corporation interests have badly been let down. The plans of such a prominent building as the United India Life Assurance Building standing on the most prominent part of Chittaranjan Avenue have been sanctioned without realising the foundation, footing and encroachment fees. The fees would at a rough guess exceed Rs. 5,000. The encroachment fee for 8/2, Upper Circular Road (also inspected by the Mayor) has not yet been realised even though the projections have been completed in 1934 or thereabout. In a case in Grant Street recently inspected by the Mayor a big unauthorised room on the main street within hailing distance of the Central Municipal Office has been allowed to be constructed without the construction being stopped at any stage. The Deputy Executive Officer II reports after going through fifty of such cases (encroachment cases, unauthorised construction cases, insecure buildings, etc.) that in almost all of them no action has been taken. The Encroachment Register shows Rs. 36,411-2-6 is still outstanding from 1926-27 to 1936-37. However much we dislike it, it has to be admitted that there is inefficiency and corruption in the Building Department."

He refers to some other very bad cases (1) in respect of 20, Zakaria Street, in which connection the Building Committee, dated 21st December, 1935, and 26th May, 1936, allowed the fourth storey to be built on the back portion on condition that the party cancelled the 5th storey over the same. Not only was the plan of the 5th storey not cancelled, but the party was allowed to build the fifth storey without any let or hindrance and, in addition, was allowed to make some unauthorised constructions in violation of the directions of the Building Committee. He refers to another case at premises Nos. 27, 39, Cross

Street, where although the foundation of stanchions encroached within the alignment as shown in the plan, the Building Surveyor issued sanction on the 6th February, 1935, without even referring the matter to the Building Committee.

The last case that the Executive Officer refers to, relates to the United India Life Assurance Building, Plot 21, Scheme VII, D C H. The Committee's sanction was obtained in this case without any reference whatsoever to footing and cornish encroachments and the sanctioned plan was sent to the party without any attempt at realisation of the fees which would amount to Rs. 2,400. The Mayor's observation in connection with the shady state of affairs in the Building Department is still more significant. In the course of investigation he says, "I have found many such cases in which there has been nothing done. I got 6 or 7 such cases in which nothing has been done since 1923-24. In one of such cases the amount of fee is Rs. 2,300 and in another Rs. 446 and in three others over Rs. 100 each. After 12 or 13 years it is in July, 1937, that the Department awoke to its responsibilities and had started afresh (when the shady things are unearthed by the Mayor)." In his previous statement he says, "I give the figure of Rs. 42,000 on account of encroachment fees from the Deputy Executive Officer's report.

Cases have been brought to light, namely, the United India Building Case in which there has been no calculation of encroachment fees. That one case will account for Rs. 2,500." "In my opinion if a systematic investigation of all cases sanctioned by the Building Committee is made an amount larger than Rs. 42,000 would be found to be due. My investigation regarding the Building Department started in June, 1937, the realisation in respect of encroachment fees in July, 1937, jumped up to Rs. 48,839 as against Rs. 9,974 in July of the previous year. Amongst the files there are 49 cases of unauthorised constructions in some of which demolition orders have been passed by Magistrates but no action has been taken for years. Most of the cases date from 1934. There are cases of earlier years. There is one case of the year 1925." He cites two typical instances: one of 90, Collin Street, where demolition orders were passed on 7th April, 1932, and the other of 4, Bysack Street, where the demolition orders were passed on 18th April, 1933, and 25th April, 1933, but in none of these cases orders were carried out till 1937. He opines that "the parties seem to be influential people and they have been able to stay if not paralyse action. In another case at 50, Tangra Road, in which a demolition case was started in 1929 order was made in 1931, but that order has not yet been carried out. He refers to a typical case at 140/1, Cornwallis Street, occupied by the renowned confectioner Dwarika Nath Ghosh. It is one of the busiest thoroughfares of the city. The owners constructed a roof over

a projecting verandah after refusal of a plan. No police was posted and no demolition case has been started from 1934 up to 1937."

Mr. ATUL KRISHNA GHOSE: Sir, I rise on a point of order. Will you kindly enlighten us as to whether the honourable member is entitled to narrate individual cases of demolition or erection without any permission? If that be the case, will you permit if I or any other member from this side of the House narrate a case in which an Hon'ble Minister is involved in erecting a building on the footpath of a street? I want your decision on this point.

Mr. SPEAKER: I cannot give my decision on the problematical issue you raise. In a debate like this the only controversial issue is as to whether the Corporation is such a body that it is subject to outside influence. Now if one side wants to say that the Corporation is good and gives instances, I cannot rule it out. Similarly, I cannot rule out if another section of the House says that the Corporation is inefficient. I am not taking the charges to mean bribery or corruption, but I am only taking them as instances of inefficiency on the part of the Corporation.

Mr. SANTOSH KUMAR BASU: So far as my friend's point of order is concerned, he has raised it and you, Sir, have given your decision. We are not afraid of these individual cases; let him bring forward his catalogue of instances of maladministration in the Corporation, and they will show that the Corporation Councillors themselves are anxious to remedy these evils, if there are any.

Mr. SYED BADRUDDUJA: Sir, I have almost finished. That the Councillors by their direct or indirect pressure or influence upon the respective departments bring about this unfortunate state of things will be clearly borne out by a motion tabled on 15th March 1937, by Mr. S. C. Roy Chowdhury, a prominent member of the Congress Party. That particular motion runs thus:—"That the Corporation do express their entire lack of confidence in the Building Committee No. 1 on account of its according a wrongful and illegal sanction to numerous building plans in utter violation of the mandatory provisions of law as contained in the Calcutta Municipal Act of 1923." In the note appended he cites no less than 65 plans and demolition cases such as those at (1) Banstolla Street, (2) 22/3, Jhamapuker Lane, (3) 5/2, Doctor Lane, (4) 68, Ratan Sarcar Garden Street, (5) 85/1, Upper Circular Road, (6) 18, Raja Rajballav Street, etc., wherein various Building Rules, as quoted therein, have been infringed. The mover alleges that "in granting illegal sanctions to Building Plans, the vagaries of the Building Committee No. 1 have assumed scandalous proportions."

(Dr. NALINAKSHA SANYAL: Who made the rules?) Please don't interrupt me. This is the first time that I have to quote some facts and figures from a written note. "In gross abuse of its position," goes on the mover, "it has been relaxing serious infringements of Building Rules which by the Act itself it has no power or authority to do. In each of the cases picked out in spite of the department specifically pointing out that the infringements are serious and were not permissible under the Act the Committee relaxed the infringements and sanctioned the cases."

It is for the House to decide if this scandalous state of things does not call for reforms and thorough overhaul of the department as also for annulment of the proceedings of Committee or Committees guilty of serious irregularities. (At this stage the blue light lit up.) Sir, may I have ten minutes more to finish my speech just as Mr. Santosh Kumar Basu was given extra time?

Mr. SPEAKER: You can have five minutes more. I have already granted you extra five minutes.

Mr. SYED BADRUDDUJA: Sir, in the course of the debate only the other day Mr. Hashemy referred to a particular appointment in the Calcutta Corporation. I am referring to the appointments made in the Calcutta Corporation before the Bose-Muslim League Pact came into operation. I submit, Sir, that the Chief Executive Officer could not exercise any independent decision in these matters. I have not come across a poorer specimen of humanity in the Calcutta Corporation than the Chief Executive Officer. Every moment he has got to placate, humour or satisfy Councillors and Aldermen of the Corporation. When I give specific instances, you will be surprised to learn, Sir, that an ordinary non-Matric clerk was appointed Head Clerk of the Education department on a salary of Rs. 150 to Rs. 200, although there was no dearth of graduates or M.A.'s in the province. Sir, I have heard of Sub-Deputy Collectors being promoted to the position of District Magistrates when they have passed through the rank of Deputy Magistrates; but in the Calcutta Corporation there is a strange and astounding state of things. There an Inspector of the Collection Department on a pay of Rs. 150—300 was promoted over the head of his own superior officers to the rank of Collector on a salary of Rs. 750 to Rs. 1,000. Such a state of things is not possible anywhere else in the world. The Government of Bengal, or for the matter of that, any Provincial Government must maintain a certain standard of qualification in the matter of appointments. Referring to the particular appointment to which Mr. Hashemy drew the attention of the House, I may say that the young man referred to compares favourably with the Superintendent of any Municipal market not excluding that of Sir Stuart Hogg Market.

Sir, I shall quote two or three more instances. One officer of the Calcutta Corporation, Motor Vehicles Department, was unanimously condemned for dismissal for gross misconduct. And what was the result? The result was that he was punished with a reward. He was promoted to a more responsible position in the Secretary's department with better emoluments and his scale revised during the last two years.

Sir, another officer—a most important officer of the Calcutta Corporation—got four increments for gross negligence of duties. In course of the Budget discussion in the Calcutta Corporation, a particular Councillor referred to the fact that Rs. 2½ lakhs were outstanding since 1929 from the Calcutta Improvement Trust. That officer of the Assessment Department suddenly woke up from his deep slumber and presented a bill to the Improvement Trust and, for the mere asking, got Rs. 2½ lakhs from them. For this, this particular officer got four increments!

Another executive officer of the Calcutta Corporation was suspected of gross irregularities in assessments. An Enquiry Committee was at once appointed to enquire into the matter. The Committee sat for three long years only to be dissolved later on without coming to any finding whatsoever, either for or against the officer. Pending the enquiry for three long years, that officer continued to work for 3 years even beyond his stipulated term of office. And what is strange still that officer was appointed for another term of 5 years. Sir, this is the state of things in the Corporation of Calcutta with regard to revisions of grades. In order to forestall the dangers that were lurking ahead, the previous Corporation in indecent haste passed resolutions in March, 1937, in the House sanctioning revisions of grade, special increments and emoluments in various cases. And immediately after that, the present Corporation passed a resolution on the 30th April appointing a Special Committee to enquire into all these irregularities. Sir, I am a member of that Special Committee, and, as such, I have come across many grossly irregular cases. I will point out here only 5 or 6 cases as to how the public money, how the rate-payers' money, has been squandered away like water——

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of information, Sir. In making reference to educationally unqualified persons holding high office, was Mr. Badrudduja casting reflection on Mr. Shahabuddin?

Mr. SPEAKER: Order, order Mr. Mazumdar, I expected that being a lawyer, you would know what the value of this point of order was. I leave it to you to judge.

Mr. SYED BADRUDDUJA: Sir, these are instances. District Engineers' grades have been revised from Rs. 500—25—750 to Rs. 500—50—1,000 with special increment of Rs. 100 per month for each in the revised grade plus motor car allowance of Rs. 100.

The grade of the Editor of the *Municipal Gazette* has been revised from Rs. 350—450 to Rs. 500—20—700; that of the Chief Law Officer from Rs. 600—25—850 to Rs. 800—50—1,200; that of the First Assistant Law Officer from Rs. 250—20—450 to Rs. 400—20—500; that of the Stenographer, Law Department, from Rs. 150—200 to Rs. 200—10—250; that of the Theatre Sub-Inspector from Rs. 125—5—150 to Rs. 150—10—300; and that of the Electrical Engineer from Rs. 300—400 to Rs. 500—25—750, and so on.

Sir, this is the state of things that is prevailing in the Calcutta Corporation. Now, the Government of Bengal has an inherent and indefeasible right to come forward and stop the vagaries of the Calcutta Corporation and set right the irregularities that are prevalent there. So long as a child is in its gristle, and not hardened into the bone of manhood its movements must be watched with closer attention and greater caution. The child must grow and expand only under the protecting wings of the parents.

My friend, Mr. Santosh Kumar Basu, has referred to England and other civilized countries. Sir, even in America, the Home Rule Movement has been restricted by legislative interference. Here, it is not the interference from an autocratic or a bureaucratic Government but from a Government of the people more responsible to the people and more responsive to the needs and requirements of the people than the Calcutta Corporation itself and this is certainly interference with political obsession which has been dangerous to the growth of civic life in Calcutta. Sir, seeds of Muinicipal Home Rule were sown on a very uncongenial soil in the early seventies of 19th century, but they could not grow, develop or expand on account of political thorns that stood in their way. Sir, that political obsession has interfered with the civic life of the previous Calcutta Corporation is clearly borne out by the fact that in the year 1924 on a fateful day, officers of the Calcutta Corporation, both Hindus and Muslims, were utilized by the party in power for wrecking the Huq-Ghuznavi Ministry in Bengal. On the eve of the dissolution of the Huq-Ghuznavi Cabinet 26 appointments were given to Muslims in order to capture Muslim seats in the Legislature and to bring about the downfall of the then Ministry even the murder of an innocent European eulogised on the floor of the Corporation Council and the murderer sanctified and glorified with all holy associations. Sir, if this state of things be allowed to continue without any let or hindrance, without any interference from the Government, then that Government itself must be condemned. If this Government

is guilty of vagaries, if their movements are suspicious and if they fail in their duties, then a Higher Power—I mean, the British Parliament —will intervene and amend and modify the constitution according to the needs of the times, and if the British Parliament, in their turn, fail in their duties, then the infinitely Mightier Power will intervene and check their wayward movements. (Interruption by Dr. Nalinaksha Sanyal.) My friend, my agnostic friend, will not understand it.

Sir, I have never for a single moment introduced anything in my speech which might wound the feelings of any particular section in the House. I have listened with rapt attention to the speech delivered by my esteemed friend, Mr. Santosh Kumar Basu. But, Sir, I may say that it is not in personal bickerings or mutual recriminations, not in political wranglings or squabbles that we can afford to bring about any solution of the baffling problems of life—civic, political or social. Sir, in the midst of all chaos and confusion, in the midst of all storm and stress, in the midst of all that is hopeless and disappointing, the sight of great leaders of public opinion on both sides raises hopes in our drooping minds. Ship-wrecked, storm-tossed, we are wading in deep waters. Tempest is raging, billows surging, clouds gathering fast overhead. Will the tottering bark ever get to the shore? Oh! for a favourable wind, Oh! for a faithful mariner to lead us across the raging waves of discontent and despair to a safe and hospitable shore!

Sir, with these few words, I support the reference of the Bill to the Select Committee.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, I have listened with rapt attention to the speech of Badrudduja Saheb who has spoken and spoken so very fast that it was not possible for me to catch all the points that he raised. Sir, I expected, when the Nawab Bahadur, the sponsor of the Bill rose to speak, that he would give facts and figures—being aware of the denials of the allegations made in the Special Committee Report of the Calcutta Corporation he would furnish this House with facts and figures which would justify the objects and reasons stated in the Bill. But, Sir, we are sorely disappointed. He knew that if he did attempt to give any facts and figures, those would be answered and demolished successfully. And it is, therefore, we find that in a hurricane speech which was very difficult to follow, certain facts were being read out which related to irregular assessments regarding which there is no attempt at correction or regarding which there is no provision in the amending Bill. Sir, the last speaker has made it quite clear that the Congress Councillors and the Congress Mayors tried their utmost to find out the exact blemishes in respect of these assessment cases and to provide a remedy. I was surprised at the speeches delivered by the Muslim members of the Coalition Party,

who in their own spheres were zealous in supporting the extension of the rights of self-government, but in regard to the Calcutta Corporation. they are prepared to commit *hara kiri* in supporting the retrograde step that has been taken by the Ministry. I wondered and wondered what could be the reason behind this mentality. Could it be that the Bengal Ministers felt the urgent need of extending their field of patronage? Could it be that the undue and ever-increasing ambitions of the members of the Coalition Party to share the loaves and fishes of office had led them to try and expand their field of scramble for loaves and fishes? I was amused to hear Mr. Pulin Behary Mullick repeating slogans of "purity and efficiency." May I enquire of him through you, Sir, has the enrolment of Scheduled Castes job-seekers on receipt of money been stopped? Have they given up monopolising jobs and paying committees for their own relatives and confined the co-operation to helping themselves? How many times the honourable member with his amiable looks goes round and visits the offices both of the Government and of the Corporation to secure patronage for his folks. Lastly, the cat was out of the bag when he finished his speech by pleading for the appointment of a Scheduled Castes member in the Public Services Commission and what remained unsaid on his part was that member must be either he himself or a nominee of his brother.

Sir, I was very much pained to hear the speech of Mr. Marindin who said that it was a retrograde step and it was an effort to restart self-government. Sir, those of us who have seen Britons in their own country saturated with the ideas of freedom, considerate to a degree regarding the feelings, regarding the rights and sentiments of others, will see with a sense of disgust and disappointment that in India they behave in a most un-Britonlike manner and go on to fulfil their own self-interest. They go on trampling under feet all the principles in which they have been nursed in their own country. We find that these gentlemen here are alert to engineer differences and seize the opportunity of those differences in this continent of India consisting of various castes, creed and religion. Mr. Marindin spoke of the deplorable state in the Building Department of the Corporation, and he gave the impression that the European members had decided to be out of it. May I ask Mr. Marindin to tell the House whether the Leader of the European Group in the Corporation, Mr. Holmes, used to be in the Building Department throughout the years during the tenure of his Councillorship? May I ask him also to let the House know whether he also confessed when he was asked by my humble self that the Building Rules are such that there must be relaxations. Is it not a fact that the building plans submitted by Holmes Wilson & Co., I mean Britannia Building Co., had the relaxation sanctioned sooner? He has also said about corruption in the Corporation. Unfortunately, all the members of the Corporation or of this House cannot boast that they

are angels. Is it not a fact that there was a loud whisper about a European Councillor whom the Europeans tried their best during the last election to keep out, but was unsuccessful? It is strange to hear from the mouth of our European trustees and mentors about nepotism. Nepotism is a gift from the West—from the high sphere of clergy—and therefore if this nepotism is prevalent here, we have to thank the Westerners for that gift. I sometimes wonder at the mentality of our European friends. While one day I was discussing with a responsible member of the European group—whose presence this House is being deprived of on account of his military preoccupation—I was discussing a long printed list of nepotism, corruption and bribery, against the Bengal Ministry; he after going through the list told me "where is the country in this world except perhaps England for the last few decades where we do not hear of this bribery, corruption and all that". So that is the standard by which our European mentors, self-appointed trustees, judge the party whom they support, and on a different day in a very high tone of morality they speak whenever they want to curtail our rights. Sir, if a Bill of this nature were introduced in the British Parliament, I am sure the countrymen of my friends, the Europeans, would have seen the fall of the Ministry the next day.

I desire to ask, but I do not find Mr. Morgan here. Mr. Marindin said that the Chief Executive Officer of the Calcutta Corporation was under the control of a political party. Mr. Morgan knows more than anybody else that the Chief Executive Officer of the Corporation for the last 15 years has been the one person who was least amenable to the Congress influence. Mr. Morgan, I hope, will tell this House that when he led the Coalition Party in the Corporation, he received the help of the Chief Executive Officer who has never been friendly to the Congress Group, nor helped the party wielding political power in the Corporation. We, therefore, know that when any positive activity has been shown by the Chief Executive Officer of the Corporation, it has been in favour of Messrs. Morgans, Holmes and Rooney and not in favour of the Congress Group in the Corporation.

Sir, the other side have repeated platitudes. They gave mere arguments without any cogent reasons in support of the objects and reasons of the Bill. They have refrained from the inconvenient task of proving the charges conclusively and they have followed the analogy of the story of the wolf and the lamb. Wolf says "you have done such and such wrong" when lamb says "No." Wolf says "I won't hear that, you have done that", and that has been the Government attitude. The weightiest evidence they have put forward during these discussions has been the statement of Srijut Subhas Chandra Bose who had described Corporation as an Augean Stable. Have not we the

right to expect that the Ministers will have the intelligence to understand the proper meaning of the public utterance of Srijut Subhas Chandra Bose. It is the statement of a person who was anxious to improve the affairs according to his own ideal. He has described the Corporation as an Augean Stable; if Sreejut Subhas Chandra Bose was here in this House he would have run away from this House when he had heard of the exploits of the present Ministry. (Mr. M. A. H. ISPAHANI: Where would he have run away?) He would have run away to his house and kept better company than he could get here.

In the Statement of Objects and Reasons the first point, only a dogmatic assertion, was that the experience of the working of the Calcutta Municipal Act during the last 16 years has demonstrated that political views of the party in the Corporation have very largely influenced its day-to-day administration. There is not an iota of fact in support of this complaint. We would have expected that if the Minister believed in the truth he would have given a comparative statement showing the efficiency before 1923 and showing the deterioration after 1923. Even if he could have shown some deterioration after 1923, it was incumbent upon him to establish that such deterioration was not the fault of individual officers or the slackness of a particular department but it was due to the influence of the political party. But that has not been done. On the other hand facts stare us in the face that from 1923 onwards in the sphere of public health, in the sphere of education, and in all social welfare work, the Calcutta Corporation has made tremendous progress and has shown the way to others.

The next point is interference. What is the exact nature of this interference? If at all, is it anything more than what the Ministers meet with when their supporters come and make various demands from them? Or do they say that the interference has been to compel them to give up their ordinary duties, to make them spin *khadar* or to do other Congress work after leaving their office work? Has there been any instance like that?

The third point is that appointments have been made on personal and party considerations. I will deal with this point presently. The Hon'ble Minister said that they could cite the example of Bombay and Madras where there is provision for an official Chief Executive Officer. There are things to be said on both sides. But I would request him not to cite the instances of Bombay and Madras to justify his point. Sir, what Bengal thinks to-day the rest of India thinks to-morrow is a very well-known saying. And if Bombay and Madras have not as yet had a Chief Executive Officer elected by the Councillors, they will have to make a little leeway to come up to it. Coming to the question of appointments it has been said that appointments are often made on personal and party considerations. Except the one just now mentioned

that a non-Matriculate was appointed Head Clerk, is there any other instance that there was an appointment made to the detriment of efficiency either by personal likes or dislikes or at the instance of the Congress Party? I ask, Sir, does it lie in the mouth of this Bengal Ministry to come and make these complaints? The Bengal Ministry during the time they had the question of the sanction of the extension of the Chief Executive Officer under consideration have a very bad record to face. Can it be denied that during this time two Ministers of Government met the Executive Officers of the Corporation at the house of an ex-Mayor in order to fix up the appointment of the Superintendent of the Lansdowne Market? Can it also be denied or if the Hon'ble Minister does not know, will he enquire of his Deputy Secretary, who is Kishori Mukherji of the Assessment Department and whether his appointment was made when the sanction of the extension of the Chief Executive Officer was pending with the Hon'ble Minister? May I further enquire who is one J. N. Gupta, overseer in the water-works department without any engineering qualifications? Has he any relationship with the Private Secretary of the Hon'ble Nawab Bahadur? May I again enquire whether the Surveyor Shaikh by name in the Survey Department is also a nominee of the Hon'ble Nawab Bahadur? May I further enquire how many letters either the Chief of this Government or the Hon'ble Minister have written during the time that sanction of the extension of the term of service of the Chief Executive Officer and the Deputy Chief Executive Officer was pending with them? It does not behove persons who live in glass houses to throw stones at others. (THE HON'BLE NAWAB KHWAJA HABIBULLAH BAHADUR, OF DACCA: Why can't you please wait till I give a reply?) Yes, I shall. I have mentioned only a very small list and could mention more. However, I shall stop here and await the reply. Sir, if the real purpose was not to bring the Corporation and its appointments under the control of Government for distribution of patronage amongst the near relations and hangers-on of the Ministers, they would have accepted the proposal of the Corporation to recruit candidates on the basis of a competitive examination restricted to Hindus, Scheduled Castes and the Muslims, so that a person, be he a Hindu, be he a Muslim or be he a Scheduled Caste, would get appointment on merits and not on the favours of any powers that be. If they had provided for an independent Board of Examiners, if they had provided for penalties and surcharge against the appointing authority, who dared act against the results of the competitive examination and the recommendations of the Board of Examiners? Sir, if they really wanted the undue influence of some Councillors to be obviated they would have proposed a disqualification clause providing a penalty for any Councillor who may go about into the office room of the Chief Executive Officer and other officers and who try to influence appointments—that would have served the purpose.

With regard to the Building Rules if they really wanted to stop corruption which is there, they would have at once proposed a revision of the old Building Rules. Mr. Holmes, at that time Leader of the European Group, while discussing how these things can be stopped told me that the price of lands in Burra Bazar and other places had gone up to Rs. 28 to 30 thousand a cottah and in some cases to as much as Rs. 38,000 per cottah as my honourable friend Sir Harisankar Paul says —and you cannot expect them to keep one-third vacant space—you cannot expect them to keep so much valuable lands vacant and the Building Rules are all antiquated. Have they tried to do that? Therefore, if they wanted to remove the undue influence, if they wanted to remove corruption that there might be due to the Building Rules when persons who had invested Rs. 30,000 per cottah wanted to utilise that space, they would have at once taken steps to revise all these out of date rules. But that is not their idea? The idea is clearly to bring this Calcutta Corporation into the grip of the present Ministry of Bengal. They have one grip already—I mean the sanction of extension. It has been said that certain officers were getting increments and sanctions of extensions. Were the Government sleeping all the time? Why did they not withhold sanction? How was it that sanctions to extensions were readily available? I have only given a few instances as to why and how these sanctions have been made use of by Government.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Did you say that sanctions had been given by Government?

Mr. JOGESH CHANDRA GUPTA: Yes, sanctions for extensions had been pending. At any rate, I do say categorically that while questions of sanctioning extensions were pending, the son of the Confidential Assistant of the Minister-in-charge, the nephew of the Deputy Secretary of the Local Self-Government Department and other such candidates were being provided in the Calcutta Corporation. So, Sir, we know now what will happen when the control will pass to Government. It is said that the Government want to take powers to set right the things in the Corporation. Let us examine the past credentials of Government. The Government only interfered once,—I do not find here the Hon'ble Sir Bijoy Prasad Singh Roy—and that was to set aside an election by the majority of the elected Councillors when Mr. Fazlul Huq was elected as the Mayor. That is the past achievement of the Government with regard to exercise of powers. If you say that Government had not enough powers, is it not sufficient to point out that the powers which they had they mis-used and they mis-used those powers—not to set right any of the grievances of the rate-payers.

Mr. M. SHAMSUDDIN AHMED: Even some of the rules were changed.

Mr. JOGESH CHANDRA GUPTA: Government did not use their powers to set right any of the grievances of the rate-payers, but they only exercised them, let it be said, only once and wrongly I maintain. The Chief Minister will, I hope, have something to say about the application of section 19 which provided that on the recommendation of the Corporation something could be done. Though the Corporation did not recommend and though the majority of the elected representatives of the rate-payers supported the election of Mr. Fazlul Huq, the obliging Minister—the Hon'ble Sir Bijoy Prasad Singh Roy—at that time did not think much of the Hon'ble Mr. Fazlul Huq. At that time he did not expect that on his sufferance he would have to become a Minister. The Hon'ble Sir Bijoy Prasad Singh Roy did that. At any rate I am not going to-day into the question of propriety or otherwise of that. All that I want to say is that Government had powers but they did not exercise them in the interests of the rate-payers. Though they came to know of all these things, they allege now they never appointed an Inspector to go and inspect and if with the small powers they did not act rightly, they cannot possibly now have greater powers, particularly after the instances that I have given. When they had control over the Corporation in respect of their officers, and when their cases of extensions were pending, Government were getting their own men appointed and I do not think that they can come and say legitimately that they want to stop the corruption in the Corporation.

Sir, what do we want? We want the Bill to be circulated. Those who pay the piper have the right to call for the tune. The Calcutta Corporation is not maintained from Government revenues. They do not make any contribution. On the other hand they take away from the Corporation what is its rightful dues. They get about Rs. 13 lakhs as motor taxes from Calcutta and they give to the Corporation only Rs. 4½ lakhs and keep the remainder to themselves. Under such circumstances, the ultimate and only authority is the rate-payers. Let Government go before them and as Mr. Santosh Kumar Basu has suggested, if Government dare, let them go before the electors in a constitutional way and let them take their opinions. If they do not want an election, let them circulate the Bill and get the opinions of various Rate-payers' Associations and other constituted bodies in Calcutta.

It has been said that there are arrears of assessment. May I enquire—and I hope the Hon'ble Minister will let the House know—what is the amount of the arrears of the taxes due from the Bengal Government themselves? How many lakhs are in arrears?

Mr. NIHARENDU DUTTA MAZUMDAR: Answer, answer!

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: You will have an answer.

Mr. JOGESH CHANDRA GUPTA: ..., ..., ... will not take a very long time. But I do expect that the Hon'ble Nawab Bahadur will disabuse this House that the names that I have mentioned do not exist: in fact, these people have not been appointed on his recommendation or at the instance of the Deputy Secretary of the Local Self-Government Department. I name Babu Kishori Mohan Mukherjee in whom one of the Deputy Secretaries is interested.

It has been said that increments have been granted to District Engineers and other officers. Some cases of punishment, etc., have been cited. Sir, these are things which should be placed before the House in a tabulated manner. If the Corporation or those who are the representatives of the rate-payers cannot meet them, that would justify action but not in this way, not depriving a self-governing autonomous body which is the proud privilege of Bengal, not by murdering a free body politic, not by depriving the rate-payers of Calcutta of the constitution of which they are legitimately proud of, but by taking the necessary steps I have indicated above. This House, I dare say on behalf of our party as also representing the rate-payers of Calcutta, will give unstinted support to the Ministry in any enquiry they may make, any report they may want, any step they may take, for the purpose of setting the Corporation matters right. But they cannot possibly give any support knowing what the ulterior motive behind the Bill is—knowing that the Bill does not tackle the real problems that have got to be faced in the Municipal Act of 1923.

With these words, I again request both the Minister in charge of the Bill and the Chief Minister "do not deprive the rate-payers of Calcutta of their say in the matter which concerns their daily life: do not hit them by taking away the rights that have been conferred upon them, the rights which they have enjoyed, the rights which they have exercised usefully and which they can proclaim before all other self-governing institutions". I hope it is not yet too late to stay their hands and to circulate the Bill for the purpose of eliciting opinion amongst the Bengal public. These are the words I address in support of the motion for circulation.

Rai Bahadur JOGESH CHANDRA SEN: Mr. Speaker, Sir, I want to say only a few words. I won't take much time.

Sir, it is not much use circulating the Bill for the purpose of eliciting public opinion unless the Government keep an open mind in

the matter. On the other hand I would request honourable members of the House to accept the principle of the Bill and send it to the Select Committee. On the other hand I would request the honourable members of this House to accept the principle of the Bill if they are honestly convinced that Government has been able to make out a good case and that they were most reluctantly forced to place a revolutionary Bill like this before the House only to save the Calcutta Corporation and the rate-payers from utter ruin, having failed to improve the administration by all constitutional means. If these facts can be established I would be the first man to support this Bill.

Now, Sir, let us examine the Statement of Objects and Reasons and see what the charges are. They are:—

that the efficiency of the administration has been impaired due to the influence of a political party in the Corporation;

frequent interference with the executive;

appointment has been made on party considerations;

maladministration in the various departments;

deliberate evasion or infringements of the provisions of law—persistently brought to the notice of Government;

favouritism;

nepotism.

Sir, I have heard the introductory speech of the Hon'ble Minister ith attention and we expected to hear some definite charges against the Corporation which would stop all adverse criticisms, but to the utter surprise of every one in this House no case was cited in support of a Bill of this revolutionary nature. Sir, we like to know specifically how the day-to-day administration has suffered due to the presence of a political party in that house.

May we enquire if the sweepers are sweeping the city everyday? May we enquire if the city remains in darkness due to the failure of the gas and electric system? May we enquire if the filtered water-supply has been stopped and the rate-payers are drinking unfiltered river water? May we enquire if the drains and latrines are not being flushed by the supply of unfiltered water? May we enquire if the poor and needy are not getting medical relief? May we enquire if the city is always in the grip of epidemic due to their negligence? May we enquire if the Corporation has or has not started maternity units? May we enquire if the Corporation has made any arrangement for primary education for the children of the city? May we enquire if the Corporation has made any arrangement to counteract the tuberculosis menace? And finally, may we enquire if the finances have collapsed and the authorities are fattening themselves on bribes?

These are my ten points. We the members of this House stay for five to six months in this city but never a murmur was ever heard about absence of civic amenities and we find that the Corporation has satisfied all the ten points and the day-to-day administration runs smoothly and the efficiency has not impaired in any way. How can the administration suffer even if it is assumed that one, two or ten men are appointed on party considerations, provided the incumbents are otherwise qualified, and I may say with confidence that the superior staff is not inefficient as their appointments are subject to the approval of Government.

Sir, we would invite the Hon'ble Minister to tell us definitely what steps were taken by Government under sections 16, 17, 18 and 19 to set the affairs of the Corporation in order during the last 16 years and if ever any officer was deputed to examine the internal administration. We definitely want to know on how many occasions Government during the last 16 years annulled the resolution of the Corporation and this House would take serious notice if the Hon'ble Minister be pleased to tell us when the Corporation disobeyed any just and legal instruction of the Government. I gather from the report of the Corporation that the Corporation is prepared to accept as many as 26 sections out of 50 in the Bill. It is a matter of great pity that Government never asked the authorities of the Corporation to sit round a table to discuss the provisions of this Bill and come to an agreed solution. This, I venture to suggest, is the proper procedure if the move be a *bona fide* one. These purely are administrative questions and no cry of "ডালভাত" or "গরীব চাষী" should be raised in this connection. If false issues be raised to cloud the issue one would be tempted to taunt and say "ছুঁচ বলে চাল্‌নি তোর—কেন ছাঁদা".

One word more and I would finish. If the Hon'ble Minister can satisfy us on all points, then the whole House would go with him in the same lobby. Otherwise we do record our strongest disapproval for their reactionary and arbitrary action. We have enough of troubles; do not please add more to them and don't cry for a pound of flesh.

Sir, with these words I resume my seat.

Adjournment.

It being 8-10 p.m.—

The House was adjourned till 4-45 p.m. on Tuesday, the 10th September, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 10th September, 1940, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 218 members.

Placing of Statements in the House.

Mr. SURENDRA NATH BISWAS: Sir, may I enquire under whose authority the statement entitled "Statement furnishing materials justifying the provisions of the Calcutta Municipal (Amendment) Bill, 1940" has been circulated in the House? It does not contain the name of the person who has circulated it.

Mr. SPEAKER: This is a statement by Government, and they have circulated it.

Mr. SASANKA SEKHAR SANYAL: Sir, as the custodian of the House, will Mr. Speaker consider the desirability of stopping the circulation of such things in the midst of debate?

Mr. SPEAKER: If, at any time, a member wants to circulate anything, I cannot stop it.

Mr. SYED JALALUDDIN HASHEMY: Sir, are we to take it as a White Paper or a mere scrap of paper?

Mr. SPEAKER: I do not know.

Mr. DHIRENDRA NATH DATTA: Sir, it does not bear any signature.

Mr. SPEAKER: I will look into the matter. Our practice is that it must be authenticated and then circulated.

Mr. SASANKA SEKHAR SANYAL: Sir, such statements should be given to us in proper time.

Mr. SPEAKER: It is for the Government to decide whether they will do it in proper or improper time or in no time. (Laughter.)

STARRED QUESTIONS

(to which oral answers were given)

Bandipore Union Board Voters' List.

***249. Babu RADHA NATH DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that on the 13th December, 1939, the day of hearing of claims and objections to the List of Voters of Bandipore Union Board, police-station Kharda, district 24-Parganas, fixed under rule 6 of the Notification of the Governor in Council No. 630T.—L.S.-G., dated the 13th October, 1919, the Circle Officer of Barrackpore added the names of hundreds of persons to the Register of Voters of that Union at the request of the last President without any claims from such persons?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) whether it is a fact that a defeated candidate from Bandipore Union Board has been nominated as a member of the said Board; and

(*ii*) that he is a resident of the same village wherefrom half the members of the said Board have been elected?

(*c*) If so, will the Hon'ble Minister be pleased to state the reason for the nomination of defeated candidate?

(*d*) Is the Hon'ble Minister aware that the new Circle Officer, Barrackpore, holds all elections of the Bandipore Union Board in the house of the last President?

(*e*) Is it a fact that the last President is a member of the new Board?

(*f*) Is it a fact that in contravention of rule 29 under Notification No. 630T.—L.S.-G., dated the 13th October, 1919, of the Governor in Council, the Circle Officer delegated to the last President the power of convening a meeting of members of the Bandipore Union Board for the purpose of electing a President?

(*g*) Is it a fact that in spite of written protests stating that no notice of meeting giving time and venue from the Circle Officer,

Barrackpore, had been received by any of the members of the Bandipore Union Board, a meeting for election of such President was arbitrarily held in the house of the last President on the 22nd July, 1940, at 2-45 p.m.?

(*b*) If the answer to clause (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take in the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) It is not a fact that the names were added at the mere request of the last President. At the time of certifying the final voters' list, it was found by the Circle Officer that the names of only those persons who had paid a rate of Re. 1 or more had been included in the list, whereas the Bengal Village Self-Government Act confers the franchise on all persons paying a rate of annas six or more. The defect was pointed out to the President and he was asked to submit a supplementary list which he did.

(*b*) and (*e*) Yes.

(*c*) Although defeated candidates are not usually appointed, there is no bar to their appointment. In this particular case the candidate appointed was considered very suitable.

(*d*) and (*h*) Yes. This is the usual practice where, as in this case, a Union Board has no separate office of its own.

(*f*) and (*g*) No.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what action has been taken against the President who deliberately included the names of persons paying Re. 1 as rate in the list of voters?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I do not know what action has been taken. I may make an enquiry.

Writing names on the answer books of Matriculation Examination.

***250. Maulvi MD. ABDUS SHAHEED:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that in the Matriculation Examination of the Calcutta University the examinees have to write their names on their answer books;

(*ii*) that protests have been made by people from all parts of the province against this practice; and

(*iii*) that there exists a feeling amongst the people of Bengal particularly amongst the student community against this practice?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking steps for having the existing rule on the subject altered?

The Hon'ble Khwaja Sir NAZIMUDDIN (on behalf of the Hon'ble Mr. A. K. Fazlul Huq, Minister in charge of the Education Department): (*a*) Yes.

(*b*) I have been informed by the Calcutta University that no other system is practicable.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the reasons for which protests have been made against the practice of the examinees writing their names on their answer books?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*)(*ii*), will the Hon'ble Minister be pleased to state in what manner protests were made by people against the practice of examinees writing their names on their answer books?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, representations have been sent.

Mr. ABDUL WAHAB KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to consider the desirability of examining the practicability of changing the system of writing names on answer papers?

Mr. SPEAKER: That question does not arise.

Mr. ABDUL WAHAB KHAN: Sir, it was asked whether the change of the system was practicable and the answer given was that no other system is practicable. So, my question is, whether Government would consider the desirability——

Mr. SPEAKER: Government cannot do anything which it is not entitled to do. This is a matter which lies with the University and therefore Government cannot do it.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether there is any power of the Government under the present rules for examining the practicability of changing the existing system?

The Hon'ble Khwaja Sir NAZIMUDDIN: In an indirect manner, Government can only request the University but beyond that, I do not think they have got any power at all.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state how many representations were received in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if names are written on answer books in all the examinations conducted by the University?

Mr. SPEAKER: This question refers only to the Matriculation Examination.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state when the Calcutta University sent their reply to Government saying that it is not practicable to change the system?

Mr. SPEAKER: That question does not arise.

Mr. ABUL HOSAIN AHMED: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if he is aware that the Muslim students are the only sufferers in this respect?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*iii*), will the Hon'ble Minister be pleased to state what is the source of his information regarding this answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: Resolutions passed at various meetings and representations made.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state which meetings, organised by whom, were held, and when representations were made and whether representations were made to Government or to the University?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, representations have been made both to Government and to the University.

Dr. NALINAKSHA SANYAL: When and where?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Arrest of Srijut Supati Roy Chowdhury of district Tippera under the Defence of India Act.

*291. **Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Srijut Supati Roy Chowdhury of the district of Tippera arrested under the Defence of India Act has been detained under the Defence of India Rules in the Midnapore Central Jail?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether he has been confined in the solitary cell;

(*ii*) whether his confinement in the solitary cell has affected his health; and

(*iii*) whether he has been suffering from insomnia and also from rheumatism?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for confining him in the solitary cell?

(*d*) Will the Hon'ble Minister be pleased to state in which division he has been placed as a prisoner?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) (*i*) and (*iii*) No.

(*ii*) and (*c*) Do not arise.

(*d*) At present he is treated as a Division II under-trial prisoner.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*)(*i*), will the Hon'ble Minister be pleased to state if he is aware that cells in the Midnapore Central Jail are so ill-constructed that they amount to solitary imprisonment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not accept that.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he has ever visited the Midnapore Central Jail as the Hon'ble Home Minister?

Mr. SPEAKER: I was thinking whether you were going to ask if he had ever been in that jail! (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: I myself had been in that jail for 6 months. So, I asked whether he had ever visited that jail as Home Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister consider the desirability of visiting once the Midnapore Central Jail with a view to ascertain the ill-construction of the cells there?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, Sir, if I get an opportunity, I will go there.

UNSTARRED QUESTION

(to which answer was laid on the table)

Malaria epidemic in East Mymensingh rural areas.

128. Babu JNANENDRA CHANDRA MAJUMDAR: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that a virulent type of malaria epidemic is raging in East Mymensingh rural areas particularly in the Netrokona subdivision and in portions of the Sadar subdivision taking a heavy toll of human lives?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken by his department to cope with the epidemic for preventing loss of life?

(*c*) Is the Hon'ble Minister aware that only a few years back these areas were free from malaria and were looked upon as very healthy places?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason of the present deterioration of health in these areas?

(*e*) Is the Hon'ble Minister aware that quack practitioners and speculators are selling quinine at exorbitant rates to the people at large?

(*f*) Have the Government made proper arrangements for the cheap distribution of quinine in these areas?

(*g*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of making any comprehensive scheme for the eradication of malaria from these areas?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) No report of outbreak of malaria epidemic in the areas referred to by the honourable member, has reached Government. The statistics, however, show that mortality from malaria in these areas is rather high.

(*b*) Large allotments of quinine were distributed by Government during the current year in the district through local dispensaries and hospitals, and the National Welfare Unit as well as through other associations and individuals. Twenty-two Medical Licentiates were deputed for anti-malaria work in the affected areas. The District Board of Mymensingh also started 120 centres for free distribution of quinine.

(*c*) No. Neither of the subdivisions was altogether free from malaria, although the incidence of malaria in these subdivisions was comparatively low a few years ago.

(*d*) Does not arise.

(*e*) Government have no such information.

(*f*) Yes; as far as practicable, having regard to the total allotment available. Special grants are also invariably made in all emergent cases.

(*g*) Comprehensive anti-malaria schemes for the affected areas are under the consideration of the Irrigation Department.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় দয়া কোরে বোলবেন কি—তিনি যে তাঁর উত্তরে দেখিয়েছেন যে "No report of outbreak of malaria epidemic in the areas referred to by the honourable member has reached Government"—এ বিষয় Government থেকে কোন enquiry করা হয়েছিল কি না ?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware there is no information available to Government, but if the honourable member wishes, I can make an enquiry.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to his admission that the statistics show that mortality from malaria in

these areas is rather high, will the Hon'ble Minister be pleased to state as to when he came in possession of those statistics showing that mortality from malaria was rather high?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot tell you the time.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state approximately how long ago he came in possession of those statistics?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: How could I say how long ago, when and where and all that?

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether from the statistics in his possession he could understand that there was an epidemic of malaria in those areas?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already said that mortality is high. I have never said that there was an epidemic.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what steps Government took to ascertain the causes of increase in mortality as soon as Government came to know that mortality from malaria was rather high?

Mr. SPEAKER: How does that arise?

Mr. NIHARENDU DUTTA MAZUMDAR: I am drawing your attention to answer (*c*), where the Hon'ble Minister is denying that these areas were free from malaria. Nevertheless, he admits by saying that "neither of the subdivisions was altogether free from malaria, although the incidence of malaria in these subdivisions was comparatively low a few years ago." Coupled with that information——

Mr. SPEAKER: You can ask generally as to whether there has been any enquiry as to why mortality from malaria has risen high. That would be in order.

Mr. NIHARENDU DUTTA MAZUMDAR: My difficulty is that the answer given by the Hon'ble Minister is contradictory.

Mr. SPEAKER: I have nothing to do with that. If you want further information, you can enquire as to the high rate of malaria mortality.

Mr. NIHARENDU DUTTA MAZUMDAR: That is precisely my point, but the answer seeks to evade the main question.

Mr. SPEAKER: You ask a separate question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Government made any enquiry to ascertain the causes of high mortality from malaria in these areas?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say offhand. I want notice.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), how does the Hon'ble Minister say "does not arise" when in answer to (*a*) he admits that mortality from malaria is rather high and in (*c*) he says that "although the incidence of malaria in these subdivisions was comparatively low a few years ago"?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have said that from the statistics which are before Government it appears that the mortality is rather high. We have no official information from the local officers regarding its epidemic form.

Mr. ABUL HOSAIN AHMED: Is the Hon'ble Minister aware that most of the centres at times remained without any quinine or without any medicine whatsoever?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that fact. But if the honourable member points out the places which were without quinine, I shall take proper steps to see that quinine is supplied.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় দয়া কোরে বোল্‌বেন কি—তিনি যে তাঁর উত্তরে দেখিয়েছেন যে No report of outbreak of malaria epidemic in areas referred to, etc., has reached Government—এ বিষয়ে Government থেকে কোন enquiry করা হয়েছিল কি না ?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: How can I say what happened four years ago?

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি অবগত আছেন যে নেত্রকোনা সাবডিভিসনে বিগত কয়েক বছর এ রকম প্রবল ম্যালেরিয়ার প্রকোপ হোয়েছিল যে তার দরুন বহু লোক মারা গিয়াছিল, তারপর এ বছর আবার আরম্ভ হোয়েছে, অতএব এ কয় বছরের মধ্যে গভর্ণমেণ্ট কি প্রতিকার কোরছেন ?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Government have given up small local minor schemes and have taken up a large anti-malarial scheme; this is the new policy of Government.

Mr. SPEAKER: By question (*g*) he wanted to know as to whether there is any comprehensive schemes.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have said that it is under the consideration of the Irrigation Department.

Mr. CHARU CHANDRA ROY: আমার প্রশ্নের উত্তর হয় নাই। আমার প্রশ্ন হোচ্চে Irrigation Departmentএর কাছে anti-malarial scheme যে এসেছে সেটা কবে এসেছে, কবে সেটা consider কোরতে আরম্ভ করা হয়েছে এবং এই considerationই বা কবে শেষ হবে ?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The Irrigation Department are the proper authority to answer that question.

Mr. CHARU CHANDRA ROY: মাননীয় মন্ত্রী মহাশয় কি Irrigation Depagtment কি কাজ কোরছেন, বা না কোরছেন সে খবরটা নেবেন ?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to the answer given by the Hon'ble Minister that his department have no official information about the outbreak of malaria epidemic, may I draw his attention to his answer (*b*) where he has quoted the steps taken for the purpose of coping with the situation, viz., 22 medical licentiates were deputed——

Mr. SPEAKER: What is your question?

Mr. NIHARENDU DUTTA MAZUMDAR: The question will follow.

Mr. SPEAKER: But he has explained already that mortality might rise, but it may not be due to epidemic malaria.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister has stated that his department have no official information. With regard to information, I ask the Hon'ble Minister to state when his department came to know of these elaborate steps for the purpose of coping with the situation temporarily in the affected areas?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

GOVERNMENT BILL.

The Calcutta Municipal (Amendment) Bill, 1940.

Mr. NALINI RANJAN SARKER: Sir, I rise in support of the circulation motion.

Sir, it is difficult not to admire the crusading spirit which seemingly pervades the Statement of Objects and Reasons for introducing the Bill and the eloquent speech of the Nawab Bahadur in support of the measure. The Nawab Bahadur argues that the Corporation has become a veritable Augean stable, that acts of jobbery, nepotism and undue discrimination are so rampant that the Government can no longer look on; that their inner moral urge compels them to interfere and to make a Herculean effort to cleanse the Augean stable. It would be heartening, Sir, in these days of rampant evil to witness a combination of moral fervour and Herculean strength. But the fact, we are afraid, is that might is tending more and more to regard itself as right. Our political Hercules is to himself a moral giant as well. For "120 reasons," as Mr. Wordsworth put it, and supported by 25 scions of the British lion, the Government no doubt possess the strength of a Hercules, they can get a legislation through without turning a muscle. But it is a moot question, Sir, whether in proposing to clean the Augean stables what they turn on them is the purifying waters of the Alpheus or merely the filth of our political gutters. It has been said again and again by critics that the object of the Bill is to curtail the powers of the Corporation and to destroy its autonomy. In reply to such criticisms, the Nawab Bahadur most emphatically disclaims any such intention on the part of the Government. The Government have apparently been actuated, according to the Nawab Bahadur, by the sole consideration of providing a remedy for mismanagement and misuse of powers. In fact, they are so very anxious for the good government of the Corporation that the Government feel compelled to bring in this measure, even though the Hon'ble Minister for Local Self-Government has no illusions about the retrograde character of the measure. Sir, those in authority and in

possession of strength and power have never lacked plausible and even altruistic excuses for usurping the power and autonomy of others. Such altruism has been professed before by those who cast about for a justification for what they propose to do. It was adduced by Italy when she raped Abyssinia and by Japan when she marched into China. It is again this altruistic motive which apparently prompts the British to continue in India and to carry on the whiteman's heavy burden. Every victim of aggression is a bundle of vices which must be burnt to be sterilised. It is not different with our Hon'ble Minister for Local Self-Government. He holds up his hands in horror at the misdeeds and party intrigues inside the Corporation and is ready with the scourge for the sinners.

Sir, I do not for a moment deny that there is scope for reform in the Corporation. The instances of maladministration, party intrigues and favouritism in the civic sphere do but scant credit to the party that have so long been in power in the Corporation and have otherwise done good work for the extension and improvement of civic amenities. But are the remedies proposed in the Bill likely to bring about the improvement needed and which we all desire? To crush the democratic form and spirit of a self-governing institution is not to reform it. And that is exactly what the Bill is out to achieve. Reform, Sir, is usually understood to imply a process different to annihilation. That is why I start with asking whether the cleansing agent is not more impure than what is sought to be cleansed. And that is a question which the more thoughtful members of the Government ought to ask themselves before they persist with this measure.

The authors and the beneficiaries of this Bill are a Government working under a party which within a short time has gained an unenviable reputation for ingenuity in getting things done to their liking by putting pressure on the Government; secondly, this party Government have themselves been seriously accused of the same vices and even more serious evils than those which they now profess to be eager to remove from the Corporation. Could such a Government be considered competent to undertake such a work or is not the fear very real that the Government by intervening in this manner would only accentuate the existing evils? There is the further and fundamental question whether the desired objective could not be achieved by any means short of depriving the Corporation of its autonomous and self-governing character. That, Sir, is the crux of the problem. Assuming it is true the Corporation is a hotbed of party intrigue, does the cure lie in replacing that party influence by the influence of a communal party which will not be responsible to the rate-payers but will indirectly impose its authority on the affairs of the Corporation? Certainly, this is not curing the evils from which the adminisatrtion of the Corporation is said to suffer. Quite naturally, therefore, the retort has

gone out from the Opposition Benches—"Physician, heal thyself." The Physician in this case has in reality no healing powers. Further, he is all the more likely to infect his patient with his own deadly virus. If all the facts and figures could be examined and analysed by an independent body, I am sure, the examination would disclose that the Coalition in power in Bengal have to its credit in its career of nearly 3½ years far more instances of black deeds than has the party in power in the Corporation in its long history of 16 years! (Hear! hear!) This 3½ years' career will, I have no doubt, be found to be replete with instances of undue political pressure over administration, supersession and transfers of officers, cancellation of transfers and extensions of service at the request of even individual members of the party, interference with the executive to an extent and in a manner which has destroyed the morale of executive officers, as they will no doubt themselves testify if they had the freedom to do so, and even attempts to interfere with judicial proceedings, not to speak of the granting of excise licences and of nominations for a consideration. Definité instances of the sale of nominations came up at one of the District Officers' Conferrences where it was reported that some members of the party supporting the Government had actually opened offices in certain district centres at which they were receiving money from candidates for nominations to district boards and debt settlement boards on the promise that they would secure nominations for such candidates from the Government. And when, Sir, the Coalition Government talk particularly of a crusade against nepotism in the Corporation, they least realise the unconscious humour of their position. From what I know of the Corporation from personal experience as a member and otherwise, it is my impression that while there have no doubt been cases of favouritism in party interest, cases of actual nepotism have been very rare. But nepotism in its literal sense, that is, preference for nephews in appointment to offices, is writ large over the forehead of the Coalition Government. In fact, it cannot be gainsaid that nephews occupy a very important place in the present Government of Bengal. Even in the present Bill the interest of nephews has not been overlooked, as those who read between the lines will no doubt be able to detect. Yet we are asked to believe that the Coalition Party in the Assembly with such known records will shed a saintly influence as soon as they, through their Government, take up the reins of power in the Corporation and will further cure the evils of which they are themselves so full. The elected Councillors of the Corporation, in spite of their occasional lapses, have the redeeming virtue that they are elected by the rate-payers and answerable to them and the latter can express their disapproval of their misdeeds by withholding their support at subsequent elections. But what is the justification of the Coalition Party, who do not represent the rate-payers and are not responsible to them, but are preponderantly representatives of rural

Bengal, wielding effective control in the Corporation and turning it into a happy political hunting ground? The representatives of rural areas, who have little or no stake in the city, are, in fact, assumed in this Bill to be better guardians of the city's interests than the ratepayers themselves or their representatives.

The lessons of experience in other countries definitely are that if the party in power in the political Government of a country have also full sway over municipal Government, the result is never good for the municipal administration. Rather, the consequences are an increase of corruption through extraneous pressure over the local administration. Writing, for example, of the American experience, Lord Bryce gave the opinion that "patronage being a powerful political engine certain to be used for political purposes," the evils of the "spoils system" would be still more pronounced, "if the same party should at the same time be supreme both in the national Government and over local bodies."

Even admitting that the state of things in the Corporation is rotten, should not an enquiry have first been made as to the actual defects, their nature and extent, and should it not also have been considered whether any other remedies, less drastic and less inimical to the self-governing character of the city's municipal Government, would meet the situation? Such an investigation was all the more desirable when it is considered that the Montagu-Chelmsford Report laid it down as their first formula that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control"; and it was largely in pursuance of that formula that the Calcutta Corporation was constituted a self-governing institution. Can the members of this House be convinced that the Bill in its present form is so urgent and so infallibly represents the last word as a measure for reforming ills it is proposed to remove that the autonomy of the Corporation must go and it must forfeit its self-governing character to make room for a measure that is admittedly retrograde?

In view of the emphasis laid by the Government on the maladministration of the Corporation, it may be pertinent to ask whether the Government contend that a serious emergency has arisen in the affairs of the Corporation? So far as the public can see, the Corporation is still functioning normally. Its essential services are still being attended to; water is still supplied, streets are being cleaned, education is spreading within its area. Buildings are still being sanctioned, hospitals and maternity homes are continuing their good work and in some cases increasing their activities and usefulness. Has not therefore this cry of the Corporation being on fire been a little overdone?

When a Bill is introduced which, if enacted, will seriously affect an important public institution, it is only right and proper that the

opinion of the institution affected and of the public, particularly the opinion of the rate-payers who in this case will be directly affected, should be consulted. The Bill, moreover, is a highly controversial measure—nay, a storm of protest has raged and is still raging over it from every direction—in the Press and on the platform. To ignore that voice on the plea that reforms are urgent or the more threadbare one that there is a large section of a particular community, who are prepared to reproduce their master's voice whenever needed, is to confess that there is a skeleton in the ministerial cupboard.

Sir, it is the practice in parliamentary Government in all democratic countries to consult the appropriate outside interests whenever a new legislation has to be made. "Consultation with the local authorities is the ordinary practice in all local government legislation, and there are immediate protests if the usual practice is not followed or if inadequate time is given for consideration." Nor is the practice confined to local government legislation. Education Bills, for example, are similarly discussed with the various bodies concerned and it is said that in England "no President of the Board of Education would dream of introducing any measure into Parliament which had not been discussed *ad nauseam* with the three associations of educational authorities and the National Union of Teachers." In regard to the present Bill, therefore, the Corporation has a legitimate claim to be invited to a discussion of the principles and details. The present administration of the Corporation may be marked by a thousand iniquities, the Councillors may not all be efficient men, but being the present wearers they ought to know best where the shoe pinches. With the best motives in the world and the advantage of procuring the most intimate details regarding the administration, it is hardly possible for the Government to fathom the actual practical difficulties, the real drawbacks, etc., unless they go into the matter carefully and in detail with the Corporation officials and Councillors. The Muslim League Party now predominates in the Corporation and one of the shining lights of that party said yesterday that all the complaints against the Corporation related to the period prior to the Bose-League Pact. If that be so, then why are the Government in such a desperate haste in carrying this Bill through now? It may be contended that the modifications desired may be made in the Select Committee. Select Committees may be all right on paper; but it has been our experience that a Bill going to a Select Committee as Hamlet, comes out merely as the Prince of Denmark. It is not merely that the t's are to be crossed and the i's dotted. The Bill itself should be recast, and recast thoroughly so as not to strike at the roots of the autonomy of the Corporation. A Select Committee committed to the pernicious principle of the Bill can hardly be expected to do all this.

By virtue of their majority it may be possible for the Government to rush through a measure against which there is such a hue and cry. But there has been no Government, however autocratic, however steel-girt by circumstances, which has succeeded in flying in the face of public opinion too long or with impunity. If the Government are burning with the true fire of a reformer, let them place their cards on the table before the tribunal of public opinion and face the verdict.

Let me now come to some of the mischievous provisions of the Bill.

The Nawab Bahadur in justifying the transfer to Government of the authority to appoint the Chief Executive Officer said that the Chief Executive Officer would thereby be in a position to work out the policy laid down by the Corporation "unhampered by any political or extraneous considerations." But when the Government belong to a political party in power, how is the political or other influence exerted by that party to be avoided by an officer who will practically be their creature? On the other hand, by thus making the Chief independent of the representative body of the city and by making it possible for him to disregard the wishes of that body with impunity, the Bill proposes to set up a one-man government for our city and strikes at the very root of the proper relation between the Corporation Council and its Chief Executive. The Chief Officer is not only to be appointed by Government acting inevitably under party pressure, but he is also to be selected only from among the cadre of certain executive officers of the Government naturally subservient to the Government's wishes. No one from outside will be eligible for appointment, however competent he might be. Very few therefore would find reasons to share the Nawab Bahadur's hope that the Chief would still be able to "preserve his independence" or "discharge his duties impartially without fear or favour." The provision of the Bill that the Chief Executive Officer may also be appointed from the cadre of Bengal Civil Service officers with 20 years' service to their credit is an added reason for apprehending that party pressure and intrigues would have full play in regard to this appointment. The emoluments provided for the Chief Executive Officer are a salary of up to Rs. 2,500 per month *plus* an allowance up to Rs. 500 a month, whereas the maximum an officer in the Bengal Civil Service is likely to receive after 20 years' service is about Rs. 750 or so a month. It is only reasonable to presume that for such a person to jump to a post carrying about four times his emoluments would entail a good deal of wire-pulling, intrigue and party pressure. The claim or hope that if the power rests with the Government, instead of with the Corporation, independent and impartial men would be appointed appears, therefore, in the prevailing circumstances to be a pious hope never to be realised.

In America they had to face the problem of malpractices and corruption in municipal bodies to a far greater extent than here, yet in their efforts for reform of municipal administration the Americans rejected the system which the present Bill advocates. They rejected it because it was felt that appointment of the Chief Executive by the Government would not only preclude the possibility of responsible government by the municipal bodies but would also be destructive of the most essential principles of home rule. The Model City Charter in America therefore specifies that the Chief Executive would be chosen by the local bodies themselves, but lays down the qualifications and other terms on the basis of which he is to be appointed. It may also be mentioned that in Great Britain, the local authorities have in most cases complete freedom to appoint such officials with such qualifications and at such salaries as they think fit. If the Government really wanted to have a capable and independent Chief in the Corporation instead of taking into their hands the power to appoint the Executive Officer they should have formulated certain general principles for the appointment of this Chief Officer which might be expected to secure his independence *vis-a-vis* individual Councillors of the Corporation.

For example, the Government may prescribe the requisite qualifications as well as the pay and other conditions of service of the Executive Officer, provide that the post would always be advertised and that an impartial body like the Public Service Commission would select a panel from amongst the applicants and the Corporation recruit the incumbent from that panel. The Government might also ensure him a reasonable tenure of office, say, from 5 to 8 years, so that the right type of candidate may be attracted and also lay down the conditions under which he may be removed from office and to ensure the security of his position one of the conditions laid down may be that he can only be removed by a prescribed majority on grounds of incompetence and dishonesty and may always demand written charges and a public hearing. I sincerely believe that measures along these lines should be sufficient to ensure that the Chief Executive Officer is neither a henchman of the members of the Corporation nor of the Government, but is a responsible "City Manager" in the fullest sense of the term.

Next I come to the proposed Service Commission. In the words of the Nawab Bahadur, its object is to "effectively eliminate all extraneous influence which has so long operated to the prejudice of the legitimate interests of rate-payers and secure the appointment of suitable candidates to posts and services under the Corporation solely in the interests of the efficiency of the administration." The purpose

is certainly laudable, and the name, "Service Commission" has, I concede, a magic note which inspires confidence. (Cries of "No, no" from the Coalition Benches.) Why "No, no"? No, no, in case of Provincial Service Commission, but emphatic "Yes" in case of Corporation Service Commission. Just wait. (Laughter.) But, apart from what a dispassionate examination of the particular brand of Service Commission proposed in the Bill will yield, there is a puzzle in all this which I find it extremely difficult to solve. Sir, having regard to the record of this Ministry during the past three and a half years, I trust one would be pardoned if he chooses to evaluate the Ministry's intentions in such a matter, not by its professions but rather by its record and actions. I would ask them whether they can honestly maintain that in the sphere under their direct control they have always been guided solely by the interests of the administration and whether they have made efficiency their sole criterion in all appointments? Or, is it not rather the fact that the record of the present Ministry is one which has been notorious for distribution of the loaves and fishes of office not on party considerations alone but often on purely personal considerations as well? And when that is so, how could one reasonably hope or believe that a body appointed by a Ministry with such pronounced predilections for rule by the party caucus would "effectively eliminate all extraneous influence" in appointments in the Corporation? Moreover, if the Service Commission is being proposed solely with the idea of ensuring the recognition of merit and efficiency in all Corporation appointments, why do the Government not consistently let the Bengal Public Service Commission have full sway in regard to appointments in the Government's own sphere? In their own domain they are, on the contrary, trying to restrict the scope of the Public Service Commission to as few a number of appointments as they possibly can. (Rai HARENDRA NATH CHAUDHURI: Hear! hear!) The Government of India Act provided that all appointments to Government service except those specifically excluded by the Governor shall be made after consultation with the Public Service Commission. This power of exclusion has been taken advantage of to such an extent that, to-day, only about 2½ per cent. of all posts carrying maximum salaries of above Rs. 50 remains under the jurisdiction of the Public Service Commission. Appointments to posts of Sub-Registrars, Co-operative Credit Society Inspectors and such other important appointments were from the start specifically excluded from the scope of the Public Service Commission. Of late even in regard to posts originally within its purview there have been curtailments and some have been removed from its scope. Recent instances of removal from the scope of Public Service Commission are such appointments as Government Pleaders, Public Prosecutors, Standing Counsel, Assistant Labour Commissioner, Inspector of Registration Offices and so on. (Dr. NALINAKSHA SANYAL: And all temporary appointments!) (Laughter from Congress Benches.) The resourcefulness of the Ministry

in curtailing the scope of activity of the Public Service Commission has been manifest in yet another direction. I would like the Hon'ble Sir Nazimuddin to hear this portion particularly.

The Hon'ble Khwaja Sir NAZIMUDDIN: Is there any rule anywhere that the appointments of Public Prosecutors and Government Pleaders come directly under the Public Service Commission?

Mr. NALINI RANJAN SARKER: That was the practice. As I was saying, Sir, posts carrying salaries on a scale comparable to the Provincial Services have been created, but the appointing authority has been vested in heads of departments, as ostensibly they will be under the influence of the Ministers. (Rai HARENDRA NATH CHAUDHURI: Hear! hear!) With such a record of their appreciation of the services of the Public Service Commission, is it any wonder that the Government's new-found enthusiasm for a Service Commission in so far as the Calcutta Corporation is concerned would be suspect? It is suspect all the more because though the Service Commission is proposed solely in the interests of the efficiency of the administration, the standard of efficiency the Government have in actuality adopted is one of minimum qualifications for the purpose of giving appointments to one particular community. When the principle of efficiency is so watered down, the efficiency can no longer remain the criterion.

It may be a puzzle to many how the anxiety to curb down the authority and influence even of an independent and advisory Public Service Commission can coexist with an anxiety to foist upon the Corporation a body which will be subservient to the Ministry but whose opinions will be practically mandatory on the Corporation. The reason however is not far to seek, and will become clear on an analysis of the constitution and functions of the proposed Service Commission. In a sphere where the Government commands a majority with the major stocks held by members of a particular party or group, an independent Public Service Commission is a source of constant obstacle to the distribution of dividends to such members. It is necessary, therefore, to curtail its powers. But in a sphere where this group is in a minority, *e.g.*, in the Calcutta Corporation, a Service Commission, dependent for its existence on the wishes of a Government in which this group is by far the largest shareholder, will secure for it all the dividends that it may like to collect. So, must a self-governing institution be deprived of its essential rights, while its members, although paying for the piper, will have no voice in calling for the tune?

All the three members of the Service Commission will be appointed by the Government which is a party Government. And this Commission will control practically all appointments in the Corporation except

those of menials. The recommendations of the Commission will, moreover, be binding. In the circumstances, it is apparent that all this talk about efficiency and the interests of the administration is mere euphemism which ill-conceals the real objective, namely, the exercise of authority in the Corporation through a convenient agency for the purpose of distributing patronage at the sweet will of the party in power to members of a particular group or to others who are in the good books of the Government.

Sir, as I have already said, I do not deny that there have been cases of favouritism in the Calcutta Corporation appointments. Neither do I deny the need for instituting measures for removing such malpractices in the appointment of Corporation employees and officers. But however claimant that need may be, that is no reason why complete outsiders should be allowed to decide matters independent of the representatives returned by the rate-payers of Calcutta. The fact of the matter is, Sir, that it is not by this means but rather by the introduction of a system of competitive examination, proper advertisement relating to vacancies and publicity as to the candidates appointed and their qualifications that malpractices regarding appointments could really be brought under control, and it is, in fact, these methods that local bodies in various advanced countries have adopted.

Sir, even if the creation of a Service Commission were considered essential, the Corporation need not be denied any voice or say in the selection of the personnel of that Commission. The provisions of the Bill may certainly be so framed that even though the Corporation would be allowed to make the appointments, the independence of the Commission would be sufficiently safeguarded. The Corporation might for this purpose draw upon talents available in the educational sphere, in the business world and in the administrative services. If the qualifications for membership of the Commission be prescribed and if independent bodies like the University and the Chambers of Commerce were each to nominate a panel from which two of the members are to be selected and if it be further so provided that the third member must be selected from amongst capable and experienced officers of the administrative services, I believe one could be reasonably sure that the members of the Commission would be persons not subservient to political pressure or personal manipulation. To make this doubly sure it might also be provided that a member of the Commission shall not be a member of the Corporation, nor an office-bearer or member of any partisan political organisation.

The provisions of the Bill would seem to suggest that the Service Commission would be a permanent body. I think this is unnecessary and would be unduly expensive. I do not think there would be sufficient work for a permanent Commission with salaried members. Even the Public Service Commission does not seem to have a surfeit of

work. In the circumstances it would seem to answer to the Corporation's requirements quite well to have an *ad hoc* Service Board the members of which shall be paid a fixed sum for each day devoted to the work of the Board.

There are other provisions in the Bill, and I may instance clauses 5 and 6 which are extremely drastic. I have not the time at my disposal to examine them in any detail. But there cannot be the least doubt that they are most offensive and destructive of all principles of self-government. I may go further and say that the Government have been able to make out no case for such drastic measures.

Sir, I think I have said enough to make it quite clear that the main and real object of the Bill is to capture the levers of control over the Corporation. The first Amendment Act sought, through the familiar device of creating hedged-in constituencies and through nominations, to turn the Hindus into a minority, though by strength of their number and contributions, they have a right to retain control over the Corporation. And it succeeded. The Hindus are in a virtual minority and if the elected Muslims, nominated members and the Europeans join to form an alliance, the enfeebled Hindu opposition cannot shake it. But not satisfied with this *de facto* sovereignty they are out now to legalise their rule over a hitherto autonomous and democratic institution, which is the biggest of its kind in India. For rich are the rewards to be earned in the Corporation and the prospect of acquiring so much power and patronage which they can turn to personal and party advantage is a temptation too strong to resist.

Pledged on the assumption of office nearly forty months ago to solve the "*dal bhat*" problem of the masses, the present Ministry has yet had no time to evolve any effective planned scheme for the betterment of the condition of the *raiyats*. Yet the Government have neither been idle nor entirely ignorant of the value of planned action for a particular objective. Their legislative record is strewn with instances, which show tenacity, determination and foresight for the purpose of aggrandising communal power in Bengal. The real interests and benefits of the masses have been completely lost sight of. Instead, the interests of a communal oligarchy absorb all the attention of the Government. All their planning, all their ingenuity and shrewdness and, in fact, every moment of the Minister's waking hours has been devoted to one particular objective, the aggrandisement of that communal oligarchy in every possible sphere by a brazen use of power politics! There could hardly be a sadder commentary on the career of the Ministry.

It is perhaps in the nature of power to enlarge itself. At any rate, the appetite for it grows on what it feeds on. But if ever the Ministers have aspiration to forming a stable political party with a following in the country, with a record of solid achievement and the fountain-head

of healthy traditions of democratic government, they must beware of this temptation to grab whatever seems for the moment to be within their reach. The basis of stable political power is restraint and the power to avoid intrusion into spheres which are recognised to be autonomous. The temptations of ministerial office are numerous enough in all conscience; to add more to them at the cost of local self-government is the height of folly, the bitter fruits of which will not be long in coming.

Sir, I support the motion moved by my friend Mr. Banerjee.

Mr. M. A. H. ISPAHANI: Mr. Speaker, Sir, most of the arguments against the Bill we are discussing are evolved by deliberate misrepresentation on the part of some and a genuine misconception on the part of others of the true meaning of "local Government." It is unfortunate that "local government," "local self-government," "local autonomy" and similar terms have been used so loosely of late that their true implications are lost on many of us. If by "local self-government," the honourable members opposite mean the power of a local authority, whatever it may be, to act independently of any external control, then with the greatest of respect to the legal luminaries opposite, I emphatically say, Sir, that "local self-government" in this sense is a contradiction in terms. Any local authority which possessed it would be a sovereign state and therefore in no sense "local". Might I ask my honourable friends opposite in which category they place the Corporation of Calcutta? Is it a "local authority" or a "State within a State"? Since when has the Corporation become more sovereign than its begetter—the Legislature of the province of Bengal itself? What sanctity attaches to this Corporation that no one—nay, not even its progenitor, may dare to curb the vicious—using the term in its proper sense—proclivities of this errant child? By what right does this Corporation arrogate to itself an independence greater than the independence of this province itself? By what authority does this city Corporation pretend to possess powers greater than the Corporations of any other city in the self-governing Dominions, or, for that matter, any other city in the world, apart from the solitary exception of the "City of London"—by which I do not mean the London County Council. The position of the City of London is unique in the history of local authorities.

In almost all the Dominions the local authorities are directly under the supervision of the Governor of a province or a Provincial Department. Take, for example, Canada. In the province of Nova Scotia, the Governor may disallow any by-law or resolution of a local authority and may even act in default of a local authorty in certain cases.

In British Columbia, the Lieutenant-Governor in Council may appoint "Inspectors of Municipalities" to "hold enquiries and make orders with regard to municipal affairs."

In Manitoba the Lieutenant-Governor may appoint three persons as a " 'Board of Commissioners' to investigate into the financial affairs of a municipality on the requisition of twenty-five resident property-owners."

Turning next to Australia, we do not find that the local authorities there are in any better position. The Governor in Council of each State exercises considerable powers of supervision and control over local authorities. He has the power to "rescind resolutions," all by-laws require confirmation by him, and as regards many administrative acts of the local authorities, the decision of the Governor in Council is final. Moreover, under the Local Government and Public Health Acts, considerable powers of supervision and control are reserved to provincial departments themselves. The Boards of Public Health in the various States may appoint the Medical Officers of Health whose salaries are paid by the local authorities. In South Australia the State's Roads Advisory Board supervises the construction and maintenance of roads and "should a local authority not perform any work prescribed by the Board, the State Engineer for road may carry it out and recover the costs from the local authority."

In New Zealand the Governor-General has power to—I am quoting from the New Zealand Municipal Corporations Act—"do any act for more effectually carrying out the provisions of the Municipal Corporations Act either generally or in any particular case." Furthermore, the Governor-General may "make such provisions as he thinks fit in the case of default on the part of a local Council, including"—mark you—"the exercise of the powers of the Council to make, levy and recover rates." The New Zealand Health Act of 1920 empowers the Board of Health in default of a local authority to carry out sanitary work and exercise powers under the Health Act at the expense of the local authority. These, Sir, are by no means insignificant inroads into the so-called autonomy of local authorities as my honourable friends opposite understand it. Yet, I do not think that anybody will be bold enough to say that the local authorities of Canada, Australia or New Zealand are not self-governing institutions. Indeed, Sir, this chimera of local autonomy—this Utopian dream of independence—is being stretched a bit too far, for when resolved in terms of realities and actualities as evidenced by existing conditions of civic bodies all over the world one cannot help but arrive at the pessimistic conclusion "*Elle N'existe point*". Mark you, Sir, that even in England, the home of self-governing institutions, and as the honourable the Deputy Leader of the Congress Party would have us believe, the citadel of

local autonomy, the Ministers of the Crown do exercise real and effective control over the local authorities. Let him listen to what John P. R. Maud, a Fellow of the University College, Oxford, and a Member of the Oxford City Council, has to say:—

"Besides these two legislative activities the central authorities have another function, that of actual administration. If it were not for this administrative activity, the legislative work of both Parliament and the departments would have nothing but the courts on which to rely for its enforcement. As it is, a general, more or less continuous, supervision is kept over each of the local Councils, exercised with the particular intentions of preventing knavery, limiting folly and encouraging progress."

"Again, when a local authority has defaulted, the Ministry of Health can step in and see that the work is done, either by making another Council responsible (a County Council, say, when a Rural District Council fails to perform its sanitary duties) or by doing the work itself. Under powers given by an Order in Council of 1931, the Ministry of Health may go so far as to supersede a local authority altogether if it fails in certain of its duties (Mr. JOGESH CHANDRA GUPTA: Do you know the amount of health grant?); just as the Boards of Guardians at Poplar, Chester-le-Street and Bedwelty were superseded (under the ordinary law, as it was before the 1929 Act), and Commissioners nominated by the Ministry of Health in their place."

"Secondly, there are many occasions when a local authority has to obtain the approval of a central department for what it wants to do. All by-laws which are concerned with the public health require the Minister's confirmation, and though by-laws passed by a borough or County Council for the good rule and government of the place do not require confirmation, they must be sent to the Home Office and can be annulled within forty days by an Order in Council." It goes on to say—

"Finally, the Minister's approval is required before certain officers can be appointed or dismissed. Here, again, the services of education, police and public assistance are found to be under closer control than other parts of local government. It seems, for instance, since the case of Tozeland *vs.* the West Ham Guardians, that officers engaged in public assistance are not, properly speaking, the servants of the local authority; and in certain circumstances at any rate they must do what the Minister tells them, regardless of the local authority's instruction."

This, Sir, does not exhaust the list. I can cite many more instances not only from England but also from other admittedly democratic countries. Where then, Sir, is all this talk of local autonomy and

local independence? If the countries whence you borrow your ideals and models spurn them now as antiquated and non-suited to present day conditions, then why all this bother about such secondhand ideals?

In the light of the facts that I have placed before the House I propose now to examine as briefly as I can the clauses of the Amending Bill before the House. It is rather curious that the honourable members opposite have in their speeches mentioned only 4 clauses out of 50 set out in the Bill. Does it mean, Sir, that they have accepted the other 46 clauses? If that be so, then surely they have admitted that the Calcutta Municipal Act, 1923, does need to be amended. I would have thought that discussions on a Bill clause by clause was the particular function of the Select Committee. I have no doubt that the honourable members opposite will have every facility of doing so if they choose to join the Select Committee. I may here declare that I too am not in complete agreement with each and every clause of the Bill. For I do feel that some clauses of the Bill if enacted as they stand will do incalculable injury to the Corporation. For example, clauses 39 and 40. But that again is the function of the Select Committee. May I, therefore, at this stage make a fervent appeal to members opposite not to withhold their co-operation, but to assist and where possible guide the deliberations of the Select Committee.

I shall now deal with the four so-called contentious clauses that have been the only targets of the Opposition's attack:—

First, clause (*5*), which seeks to empower the Government to suspend resolutions of the Corporation and its Standing Committees, Sub-Committees or Special Committees. It has been urged that section 19 of the existing Act gives the Government sufficient powers. This is incorrect for section 19 authorises Government to annul the proceedings of the Corporation only, proceedings which are not in conformity with the law, but section 19 does not offer any power to Government to annul any illegal proceedings of any Standing Committees, Sub-Committees or Special Committees of the Corporation. The result is that when the Corporation delegates any of its power to its committees—the majority of its powers are so delegated—the Government have no power to annul any of the illegal proceedings of such a committee. It was primarily for this reason that Government were so long unable to check the illegal activities of some of the committees of the Corporation, particularly the Buildings Committee to which reference was made last night. The honourable the Chief Whip of the Opposition informed us that the Buildings Rules were obsolete. The City Architect of the Corporation, however, holds a contrary view. Suppose for argument's sake that Mr. Jogesh Chandra Gupta is right, might I ask the honourable member whether the correct remedy lies

in the continuous breach of unrelaxable rules for the pecuniary benefits of all concerned, or whether the correct remedy lies in bringing these rules up to date and, if necessary, seeking the assistance of this House to do so.

Section 331 of the Act specifically provides for the circumstances in which some of the provisions of the Building Regulations, Schedule XVII, may be relaxed by the Corporation. Under Rule 94 of Schedule XVII, the special reasons for any such relaxation are to be recorded in writing. It, however, appears from the proceedings of the Buildings Committees that in innumerable cases relaxations are made by the Buildings Committee quite contrary to the provisions of law and without recording any special reasons for such relaxation, even where the departmental notes have clearly pointed out that no relaxation is allowable under the law. Now, Sir, how can Government remedy such shameful shortcomings unless they have the powers that are sought to be given to them under clause 5 of the proposed Amending Bill.

Secondly clause (*6*): The focus of the attack of the Opposition has been on this clause. They have characterised it as a most undemocratic and retrograde step, and yet this clause does not seek to give even half the powers of the Boards of Health in New Zealand and Australia, or the Ministry of Health in England, to our Minister in charge of Local Self-Government. The Hon'ble Minister will not be empowered to supersede the Corporation like his counterpart the Minister of Health in England. He may only dissolve the Corporation and allow the electorate to decide the issue. Can there be anything more democratic? Do I understand my honourable friends opposite to say that such method of direct appeal to the electorate is undemocratic? No one can say that under the existing Act the Government can effectively check corruption and inefficiency. Sections 15 to 19 of the Act of 1923 are incomplete, for there are many loopholes that prevent Government from exercising their powers of control when necessary.

Under section 15 of the Act, Government may require the Corporation to furnish them with certain returns, reports, etc. But the Act does not authorise Government to secure compliance with any such requisition. As a matter of fact, in 1934 the Corporation virtually refused to submit a report to Government under that section on certain allegations made by the Calcutta Corporation Scavengers and Labour Union, and Government were unable to proceed further in the matter. Then, again, Government may under section 16 depute an officer or officers to make an inspection or examination of any department, office, work, etc., under the Corporation and to report to them the result of the inspection or examination. But, if, in spite of the provisions of sub-section (*3*) of this section, the Corporation refuse

to produce to him the necessary records, returns, etc., the Act provides for no remedy. The same also is the position in respect of the provisions of sections 17 and 18.

If the Corporation fail to comply with, within the prescribed time, an order made by Government under section 17, Government may, under section 18, appoint an officer to take the necessary action. But although under sub-section (2) of that section the officer appointed is given absolute power to take action (virtually in supersession of the powers of the Corporation), in the absence of any specific provision, keeping in abeyance the powers of the Corporation in that particular respect, the Corporation may continue to function along with the agency appointed by Government. This state of affairs when it does arise, is certainly unhealthy and steps should be taken to avoid it; otherwise there may be duplication of work and expense and if the Corporation is determined to carry on in its own manner then the work of one will nullify the efforts of the other. It is for these reasons that the Government have not as yet been able effectively to exercise any of their powers referred to above even when they have felt the necessity for their exercise.

Thirdly, clause 17 which deals with the appointment of the Chief Executive Officer: I would have thought that every sensible or reasonable persons who desired to improve the administration of this city would have welcomed this clause; for if abuse of power is to be put an end to, and if the influence, pressure, and in some cases intimidation of Councillors have to be made inocuous, then no course presents itself other than the appointment of someone who will not be dependent on the votes of Councillors and Aldermen for the continuance of his service. The Chief Executive Officer must be removed from all subversive influences which, I submit, are not only detrimental to the best interests of this city, but have gone to the extent of making the administration of this city subservient to the personal gains of either the Councillors themselves or their friends and relatives. I will not at this stage express any opinion as to whether this Chief Executive Officer is to be an Indian Civil Service or a Bengal Civil Service man, or a member of the Bar, for that is a matter to be thrashed out in the Select Committee. Perhaps there are many even on this side of the House who do not wholly agree with the proposals as set out in clause 17. Sir, the fact that the Chief Executive Officer is to be appointed by the Minister for Local Self-Government is in no way inconsistent with the principles of local autonomy. Are not the Chief Executive Officers of the Corporations of Madras, Bombay, Karachi and Rangoon appointed by the Government of the provinces? But does anyone suggest that these Corporations are not autonomous bodies enjoying the same status as the Corporation of Calcutta? Had it been otherwise,

Sir, then I submit that the Congress Ministries of these provinces which I presume were in no way less imbued with the spirit of nationalism and independence than houourable members opposite would, while in power, have taken the first opportunity of removing these so-called "reactionary and bureaucratic officials," and substituting them by officers appointed by the respective Corporations themselves. The fact remains that by not doing so they have accepted that this system is in no way inconsistent with the principles of democracy. Why then, Sir, does it become retrograde and undemocratic when attempted to be introduced by the Government of this province—a Government which no less than the Congress Governments of Bombay or Madras is responsible to and depends on the will of the majority both in this House and in the province.

Lastly, clause 18, which seeks to transfer the power of appointing the Corporation officials to a Public Service Commission: Again, no reasonable person can find fault with this proposal. If the power of appointment is taken away from the Councillors many of the disgusting abuses that are prevalent now will come to an end. Canvassing, relationship, donation to party funds, and party allegiance will no longer be the sole qualifications of candidates seeking employment in the Calcutta Corporation. The power of appointment must be entrusted to an independent body who can be free of all the sinister influences as described in this debate by both sides of the House.

Sir, no one can deny that the present state of the Calcutta Corporation is in such straits that a collapse is imminent. Arrears are mounting up while collections are dwindling. The House will be surprised to know that there are nearly 4,000 cases to recover arrears of rates that are waiting to be filed and the rate of 200 cases per year at which the Law Department of the Corporation is moving will soon result in the majority of these cases being time-barred. In the License Department out of a total annual collection of nearly 18 lakhs the amount outstanding at the end of 1939-40 was nearly 7½ lakhs, making about 45 per cent. of the total collection! The total arrears to-day amount nearly to 60 lakhs of rupees! The repeated warnings of the Chief Accountant have all gone by unheeded. The most recent note of the Chief Accountant discloses a most dangerous state of affairs. The Corporation is on the verge of bankruptcy. In the last few years the closing balance has been dwindling fast and unless immediate and drastic steps are taken, we may be faced with a closing balance of under 10 lakhs of rupees.

Dr. NALINAKSHA SANYAL: Then, why are you creating new posts?

Mr. M. A. H. ISPAHANI: Have no heart-burning, Dr. Sanyal. Have you come to know of the decision already reached by the Services Committee?

Dr. NALINAKSHA SANYAL: I care a fig for your decision.

Mr. M. A. H. ISPAHANI: So do I for your remarks and opinions. Here is an item from the Agenda of the Finance Committee of the Corporation, dated the 6th September, 1940:—

"Owing to unusually heavy payments to be made before the Pujah holidays, the available cash balance with us is not considered sufficient to meet the demands. This state of affairs is primarily due to unsatisfactory collection of rates by the Collector. It is therefore necessary to replenish our cash balance by the sale of some of our holdings to meet out liabilities in time. Of the stock of securities held by the Municipal Fund, it would be best to select 3½ per cent. Government Loan of 1947-50 for Rs. 8,00,000 purchased at a cost of Rs. 102-12 for sale now at the available market price, as the loss would be comparatively smaller. The existing market rate of such security is approximately at Rs. 101-4 and the estimated loss would be about Rs. 12,000."

This is, indeed, a sorry state of affairs. In the face of this, do members opposite contend that Government should complacently sit and watch their self-governing institutions hurling headlong into self-destruction in the name of "autonomy"? If autonomy means the destruction of the interests of a million and a half people, I would rather not have it. It is in the name of the rate-payers of Calcutta that I ask you to save them from the vagaries of their Councillors and vest this Government—this representative and responsible Government—with the same powers as the Governments of Madras, Bombay and even Central Provinces now enjoy. It is not so very long ago that the Congress Government of the Central Provinces superseded the Municipality of Jubbulpore; but it is a matter of no little surprise that the honourable members opposite—the so-called, self-styled defenders and guardians of nationalism—did not raise even a murmur of dissent! Remember, Sir, that the Government of the Central Provinces superseded, and not dissolved, the local authority in question. If it was conceded then, Sir, that the Provincial Government of the Central Provinces had both morally and legally the right to supersede a local authority which was mismanaging its affairs, then how is it that when a provision is being made for the exercise, in case of absolute necessity, of similar power by the Government of this province it becomes a retrograde step? It is curious how a measure which is considered to be in the best interests of nationalism in one province becomes anti-national and communal in another province. Or is that anything,

however sectarian it might be, which oozes out of the all-pervading wisdom of honourable gentlemen opposite is stamped with the hall mark of nationalism? We were even told last night by the Chief Whip of the Opposition that when Mr. Subhas Chandra Bose used the epithet "Augean stable" to describe this Corporation he did not do so in the ordinary sense that the words are usually understood. Will the honourable member be kind enough to inform us in what nationalistic sense were the words used? Knowing Mr. Subhas Chandra Bose as I do, I will say this to his credit that he meant what he said—he was not speaking as honourable members opposite are in the habit of doing with a mental reservation—he had every intention of shouldering with us the Herculean task of cleaning this "Augean stable." He believes as I do that the Corporation has become rotten to the core, its administration has become hopelessly inefficient, and that it has become a hotbed of corruption, jobbery and nepotism. Mr. Subhas Bose and we on this side of the House are not the only persons who think so. Even the honourable member opposite, he cannot sit still for five minutes in his seat, gave some lurid description only the other day of bribery and corruption in the Corporation of Calcutta. I do not believe that any member opposite can put his hand to his heart and honestly say that the affairs of the Corporation do not need reforming. Then why all this senseless opposition to the proposed amendment? (Dr. NALINAKSHA SANYAL: You have a chance to reform it and do so.) Would it not have been better for the opposition to come forward and co-operate with us in restoring to this city its good name? (Mr. SANTOSH KUMAR BASU: By committing suicide!) We would welcome their guidance and assistance. It may be that all the proposed measures will not produce the desired salutary results. It may be that further amendments will be found necessary in the light of experiences gained as time goes on. It may be that these safeguards may not be necessary in the near future, or it may be that even greater safeguards will have to be thought of, but the proposed amendments seem to my mind, at least in principles, to be absolutely essential.

Mr. TULSI CHANDRA GOSWAMI: Mr. Speaker, the last speaker at the outset of his very instructive speech wanted us to know and feel that he was teaching us the meaning of "local government." I plead guilty to not having been educated like him, nor did he improve my education on the question of local government. At the same time I do congratulate him on his industry, on the diligence of his research. He has told us about Nova Scotia, New Zealand and other far-off countries. Why did he not talk about the condition of things in his own Persia? That is, I feel, a legitimate question, in spite of my admiration for his industry and diligence. In the latter part of his speech he dealt with the abuses prevalent, nay, rampant in the

administration of the Calcutta Corporation. When I entered this chamber two minutes before you, Mr. Speaker, I found on my table a statement furnishing materials justifying the provisions of the Calcutta Municipal Amending Bill, 1940. This is a statement presumably framed by Government, because I see at the bottom "B. G. Press." I think it is a legitimate question to ask, and according to the Speaker's ruling I must ask that question not of him but of the Government: May I not ask the question pertinently—why was not this catalogue supplied to us a few days ago? I take it that it was an afterthought. We have had no chance of examining the catalogue of grievances from which the Government suffer at the hands of the Calcutta Corporation. Glancing through its twelve pages during the short time at my disposal, I find that most of the allegations can be refuted. What is the use of handing over to us this precious document when the elementary principle by which justice is administered, viz., that both sides must be heard, is overlooked? We in this Legislature are also functioning in a judicial capacity, because in framing laws and in amending laws, we are judging all parties concerned and all parties affected. Here, to-day, the Bill that is before us contains such fundamental objections that a mere recital of faults of commission and omission cannot lead us to support it without further investigation.

Now, coming to the meaning of the words "local self-government," about which Mr. Ispahani has failed to instruct me, I notice from the latter part of his speech that "civic freedom," a phrase which, no doubt, is used and abused, never occurred in his speech. Not only that, it was quite clear from his speech that civic freedom was anathema to him. Perhaps, he in his term needs instruction in the meaning of civic freedom. That is the fundamental principle of Surendra Nath's Calcutta Municipal Act of 1923. From both sides of this House during this debate we have heard the name of Surendra Nath repeatedly mentioned. I will not be guilty of the impertinence of offering him either faint or fulsome praise, for the simple reason, that, as was said of old—

"So great a name no praise can match."

The question is not whether we are to be guided, solely guided, by the fact that that Act was the handiwork of late Sir Surendra Nath Banerjee. Merely because we revere his memory, we are not bound for all time to come to praise and uphold every action of his. What did he do for Calcutta? He converted a bureaucratic administration into an engine of freedom. He converted a servile Corporation into a self-governing institution. What is the meaning of civic freedom? I feel like instructing Mr. Ispahani. Perhaps, he has been a student of history. I have no desire to deliver an academic lecture or to use that word thoughtlessly or irresponsibly, nor do I desire to prostitute

the meaning of that word. The word "municipality," as Mr. Ispahani may know, has come to us from a very important Roman institution in ancient times. The history of municipalities both in Republican Rome and in the Roman Empire is probably known to at least a few of the honourable members, including, I hope, Mr. Ispahani. This is what I wish to say; that in olden times, before the fall of the Roman Empire, the civic position of towns was preserved, civic liberties were steadily and deliberately extended; and when Rome expanded into an empire that institution of local government was preserved and respected. But in the third and fourth centuries, A.D., centuries which were precursors of the downfall of the Roman Empire, there was an attempt by the emperors to take away from local bodies all vestige of power and to put them under the control of their representatives in the provinces. So an institution which had been free at one time became servile, but mark this, not merely servile, but a menace to the existence of the Empire. And I shall tell you why. The deliberate effort to use the towns, that is to say, the municipalities as instruments of the Imperial Government to carry out its designs under the control of its nominees led to the practical extinction of civic freedom, and local government became a mere name. Historians have agreed that the list of the cateogrical causes of the downfall of the Roman Empire must be included in the deliberate attempt to kill civic freedom and local government.

I am not entering into the details of the Bill but rather keeping myself to the fundamental principles, solely because the details of the Bill have already been examined very carefully and very ably by several of my honourable colleagues. I make particular mention of the speech of my honourable friend Mr. Santosh Kumar Basu, who is pre-eminently qualified to speak on the Bill. He has examined it so thoroughly that I do not wish to repeat his facts in this respect in a slipshod manner when he has advanced them with such ability and precision. Earlier this afternoon we had the advantage of hearing another ex-Mayor, who has the advantage of having recently been on the Treasury Benches. We welcome his return to our fold. We doubly welcome him, because he has come to us with an intimate knowledge of the working of the Hon'ble Mr. Fazlul Huq's Government. (Cries of "Hear! hear!" from Congress Benches.) I noticed that when he was making his statement, there were several interruptions from honourable gentlemen who could not possibly have had the intimate knowledge of the working of the Government that Mr. Sarker possessed. Therefore, I do not wish to take up the time of the House, especially as the Speaker has been looking at me; but then I want to address our honourable friends on the European benches. The benches look somewhat dilapidated to-day—I beg your pardon, Sir—depopulated. (Laughter.) At the same time we know

that when the hour strikes for going to the lobbies, they will go to the lobby, the only lobby they have known. (Mr. JOGESH CHANDRA GUPTA: One exception will prove the rule.) You may treat it as a joke, but while you claim to be an independent entity——(A European member: Address the Chair.) I beg your pardon——(A European member: Chair please.) When you have declared yourselves an independent entity you cannot at the same time bind yourselves to the chariot-wheels of one party or another. This alliance, I am afraid, is a misalliance; and yet it has been persistently maintained by the European Group. Let them remember this—I will conclude with this —that if the City of London be partly destroyed by superior violence, physical violence, that would not affect Calcutta as much as the moral and spiritual degradation of Calcutta would ultimately affect the centre of the British Empire. I would appeal to them to realise that it is easy to feel that anything that happens to the people of this city will not affect them. From their faces across I can see that their health, their stature and their physical well-being have not suffered very grievously from the inefficiency of the Calcutta Corporation. It is that confidence in self-sufficiency, that kind of confidence which makes men reckless. It makes them reckless of the ultimate consequences of their actions. I will not continue to address them any further, because I feel I have spoken long enough. I will only end with this note.

The Bill may go through this House, it may go through the Upper House, it may even secure the assent of the Governor according to the constitution. Therefore, it may become, on paper at any rate, the law of the land; but there are ways in which a law can be made a dead-letter. You know very well the fate of the Rowlett Act. That Rowlett Act was never in evidence anywhere in operation. It is a very easy Government with a comfortable majority to get any measure through the Legislature, but it is not so easy to make people swallow that measure. You may take a horse to the water by force, but you cannot make him drink! (Cheers from the Opposition Benches.)

(At this stage the House was adjourned for 20 minutes.)

(After adjournment.)

Mr. SHAMSUDDIN AHMED: Mr. Speaker, Sir, before I begin with the subject for discussion, may I mention that my party has followed a consistent principle so far as debates in this House are concerned? We are supporting the circulation motion that is before the House to-night. Only a few days back, we supported the Secondary Education Bill. Therefore, there should not be any doubt or hesitation in anybody's mind that we are not wedded to the particular policy that is followed by any particular party, excepting our own.

Sir, this is the fourth day of the debate on one of the most important measures relating to the self-governing institutions of our country. The Calcutta Corporation is one of the oldest institutions of this country which has enjoyed the principle of self-determination in Local Self-Government, in spite of the many ups and downs and innumerable vicissitudes which overtook it.

Sir, this important measure has raised a very vital question of principle, as to how far the Government of a country should interfere with the civic freedom which the people enjoy. Sir, may I here mention the very valuable words which the great founder of local self-government—I mean Lord Ripon—used in his resolution of the 18th May, 1882. In that resolution, Sir, he laid down the basic principles of the system thus—"that the institutions of local self-government were chiefly to be valued as instruments of popular and political education."

Sir, Mr. Gladstone observed, "that municipal institutions are the seed-plots upon which and around which are developed those habits of thought and that temper of mind which constitute the noblest heritage of a nation." I may add, Sir, that they form the basic foundation of all parliamentary systems.

Sir, let me now come back to the history of the Calcutta Municipal Act. Sir, it was in the year 1876 that the Calcutta Corporation was constituted on a representative basis, two-thirds of the members being elected and one-third nominated. That was a notable event in the annals of Calcutta—a red-letter day in the evolution of our civic life, and it has certainly borne golden fruits. Thrice the Act was revised—once in 1888, and again in 1899 and lastly in 1923. The new Corporation constituted on a popular basis went forward with its duties of civic work with great vigour and enthusiasm and it produced successful results. So, again it was revised in 1888 not to curtail its powers but to extend its sphere of influence to the suburbs. This state of things continued till the year 1899 when a further revision took place involving constitutional changes of the gravest importance. Efficiency became the watchward of the hour and the fundamental changes that were proposed in that Bill of 1899 involving serious constitutional changes which were dictated by that one consideration of efficiency and that consideration alone, were eventually carried out. Sir, what were those constitutional changes. It was the reduction of popular representation from two-thirds to one-half and the Corporation was divested of its supreme authority by the creation of co-ordinate bodies. What happened? The Act created three distinct co-ordinate authorities—the Corporation, the General Committee and the Chairman—all exercising independent jurisdiction in their several spheres. That is the cataclysmic change the Act of 1899 brought about.

Sir, such fundamental changes brought about in the teeth of popular opposition evoked bitter controversy and gave rise to an agitation which was without parallel in the history of municipal matters of this country. Twenty-eight Municipal Commissioners, including the great Surendra Nath, the father of the Act of 1923, resigned their seats and the principal leading citizens of Calcutta abstained from participation in all municipal affairs of Calcutta for some time. Afterwards, Government felt constrained to consider the revision of the Act in 1913 and as late as 1917 a Bill was actually introduced but was withdrawn in view of the pending Montagu-Chelmsford Reforms.

Sir, after the Reforms were introduced, the great Sir Surendra Nath Banerjee, as the then Minister of Local Self-Government, introduced an Amending Bill in 1921 which became an Act in 1923.

Sir, the grievous wrongs perpetrated on the citizens of Calcutta were remedied by that Act. I may mention here that the number of Commissioners in the 1876 Act was 75 which was reduced to 50 by the revising Act of 1899. Sir Surendra Nath undid the wrongs nearly a quarter of a century after. From 50, the number of Commissioners was raised to 80.

Sir, it will not be out of place to mention the stupendous changes—I am referring mainly to constitutional changes—that were brought about by the Act of 1923. The Act provided for the abolition of all co-ordinate authorities and the restoration to the Corporation of its supreme authority over municipal affairs. The Corporation became supreme and it got the right of delegating its powers to Standing and Special Committees and to the Chairman and to withdraw them at its discretion.

The Act of 1923, Sir, brought about an important change with regard to the powers and functions of the Chairman and even made a very vital change in the method of his appointment. Heretofore, he exercised a dual function. He used to preside over the meetings of the Corporation and its Committees as its Speaker and controlled the affairs of the Corporation as the Executive head. Under the present Act the two functions of the President and Chairman were separated. The President is elected and is called the Mayor and the Chairman is appointed and is called the Chief Executive Officer. Now, Sir, this Chief Executive Officer has got the power of general executive control and also exercises delegated authority and so far as assessments and preparation of electoral roll are concerned, he exercises independent control.

The Act of 1923 made the change of a temporary character by the introduction of a system of separate electorates to disappear automatically after three consecutive elections and that to be followed by a system of joint electorates with reservation of seats for Mussalmans. We have found how beautifully the system of joint electorates worked.

The present Chief Minister was the first Muslim Mayor of the much maligned Congress Corporation, and I may add this humble servant contributed his humble quota in that matter. It is nobody's case that the Corporation is without faults. Faults may certainly be committed by self-governing institution. Sir, I claim to possess personal knowledge of the affairs of the Corporation of Calcutta, as I had the good fortune of serving as a Councillor for a term of three years but not without incidents.

The Congress Party in power has committed acts of omission and commission. Rather I might say the Bengal Congress has lost much of its popularity on account of the unseemly scramble for power in the Corporation. The last election is a proof positive of that fact. The reintroduction of separate communal electorates was certainly a retrograde step—I am referring to the Bill that was passed last year. The introduction of separate electorates, so far as Mussalmans are concerned, has not benefited the Mussalmans of Bengal one bit or little. Look at the result of the last election. Only two Bengalee Mussalmans—Dr. Abul Ahsan and our friend, Mr. Syed Badrudduja—were returned on the separate electorate system. Not a single Bengalee Mussalman was elected as Alderman. If the introduction of separate electorate has not benefited the Bengalee Mussalmans, one might be tempted to ask, whom has it benefited? It has benefited only a particular non-Bengalee group.

Sir, may I here mention the very valuable observations made regarding separate electorates in the Montagu-Chelmsford Report:—

"Indian lovers of their country would be first to admit that Indians generally have not yet acquired the citizen spirit, and if we are really to lead her to self-government, we must do all that we possibly can to call it forth in her people. Division by creeds and classes means the creation of political camps organised against each other, and teaches men to think as partisans and not as citizens; and it is difficult to see how the change from this system to national representation is ever to occur." And again—

"We regard any extension of communal electorates, therefore, as a very serious hindrance to the development of self-governing principle. The evils of any extension of the system are plain."

I might refer again to the moral and material effects of that system. The report says:—

"A minority which is given a special representation owing to its weak and backward state, is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter will be tempted

to feel that they have done all that they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purposes. The give and take which is the essence of political life is lacking. There is no inducement to one side to forbear or to the other to exert itself."

These salutary principles, Sir, even in municipal matters have been given the go-by by the present Ministry.

Let me now turn to the Bill itself. In the Statement of Objects and Reasons it is said—"The experience of the working of the Calcutta Municipal Act, 1923, during the last 16 years has demonstrated that the political views of the party in power in the Corporation have very largely influenced the day-to-day administration of the Corporation with the result that efficiency of the administration has been impaired." That efficiency coincides with the higher efficiency cry which was raised in the year 1899 when the so-called Mackenzie Act was passed. "Frequent interference with the executive has been a disquieting feature of the administration. Appointment to posts under the Corporation has often been made on personal or party considerations and complaints of maladministration in the various departments of the Corporation which can be traced often to a deliberate evasion or infringement of the provisions of law have been persistently brought to the notice of Government." Thereafter it is said—"In the circumstances, Government consider it desirable to make certain provisions." I do not say that the Corporation has not got any fault. I find in the Bill that there are provisions for example, provisions relating to the extension of the franchise, provisions relating to the Building Committee and other provisions to which I need not refer. But the fundamental question remains as to how far the Government should interfere with the civic freedom of this city. I have given my very serious and anxious consideration to this matter, and I do not personally believe that the supersession clause would have any legs to stand upon. We are working under a provincial autonomy scheme. We are thinking of the days when the nominated seats, either in the local self-governing bodies, district boards or the municipalities, should be a dead letter. Even in the last election many of the parties in their election programme laid down that nomination should be given up. Here we are thinking of that day when we should do away with the system of nomination. As we in this House are functioning as a self-governing body so also we should have a day when our self-governing institutions, whether municipalities or district boards or corporations, should function as autonomous institutions without any sort of interference either from the Government or from an outside authority. But, Sir, instead in the year of grace 1940 when the nations are fighting for the principles of self-determination, when we are at least reading in the newspapers

about the clash of arms and the roaring of aeroplanes, in that hour in this city which enjoyed civic freedom for a pretty long time from 1923 to this day, you tell us in our face that you are unfit, you have resorted to nepotism, jobbery, corruption and all sorts of things! Is that an answer? As regards the provision for stopping jobbery and nepotism I shall deal with it later on.

As regards efficiency, I may refer to the Statement of Objects and Reasons where it is said that "the political views of the party in power have very largely influenced the day-to-day administration of the Corporation with the result that the efficiency of the administration has been impaired.

I may again mention, Sir, it reminds me of that day when Government wanted to cripple the power of the Calcutta Corporation and brought about that Bill of 1899. May I, Sir, refer to the very important observations made from his place in the House of Commons by Lord Morley (then Mr. Morley) in 1906? Speaking of efficiency he observed: "We are too apt to place efficiency in the forefront of our administrative ideals and if our Government in India were a trifling less efficient, it would perhaps be a little more popular." This applies with greater force to our popular Ministers. Why should they not listen to the demands of popular will? The present motion under discussion is the motion for circulation. It does not harm anybody if the Bill is sent for circulation for a certain time, say, till the 31st October or 30th November and thereafter have a short session and place it before that session to refer it to a Select Committee. Under any circumstances you cannot get the Bill passed before the middle of 1941, because you cannot pass it in the Budget Session. So there is no hurry about it. I suggested to my friend the Hon'ble Nawab Bahadur and I have also suggested to many of my friends in the Coalition Party and also to the Hon'ble Chief Minister to send the Bill for circulation, but I do not know what consideration they have given to my suggestion. I would plead that we on this side feel that this House and the Government ought to know the opinion of the people so far as this controversial Bill is concerned.

I shall read from Sir Surendra Nath Banerjee's concluding speech delivered on the floor of the Council at the time when he introduced the Bill in the Council: "The Calcutta Municipal Bill which I have introduced is an object lesson in patience and in the triumph of the spirit of patience, which a section of my countrymen may well profit by. We have waited long in the firm conviction that the cause of justice and liberty must ultimately prevail. And now, the clouds have rolled away, and from amid the deep and depressing gloom which overwhelmed us and oppressed our souls in the closing year of the last century, there has emerged the sunlight of hope which, if the House

so desires and wills, will, I am sure, fructify not only in the re-establishment, but the enlargement on a broad and enduring basis of our ancient civic freedom, thus setting an example of municipal self-government to the rest of India and pointing out as if with the index finger the future of our local institutions which, following the precedent of Calcutta, and free to work out their destinies, will be the nurseries of our public life, strengthening, fostering, developing among us and around us that citizen spirit, which is the truest safeguard and the strongest bulwark of all parliamentary systems."

Alas, Sir, Sir Surendra Nath has not lived to see the day under which we are functioning in the domain of autonomous provinces. Sir, the present Government is popular. May I therefore appeal to the Nawab Bahadur and to the Chief Minister to rise to the height of the occasion and agree to send the Bill for circulation for even a very short period. The question of prestige should never stand in the way and those in power and authority can very well accede most gracefully to the appeal of the popular cry. I am sorry, Sir, my friends of the Opposition have introduced too much of communal passion in every act. I know, Sir, the magic power the Hon'ble the Chief Minister possesses in influencing and shaping the destinies of things. May not he by the wave of his hand put oil on troubled waters and bring unity and concord into this hapless province even in the midst of roars of cannons and clash of steel and acts of devastation and destruction by roaring aeroplanes in distant lands? No one knows what is in the womb of futurity. Why rake up passions of millions of our countrymen at this time of international calamity, when nations are fighting for the very principle of self-determination?

Sir, the Corporation, the much maligned Corporation, has been accused of various kinds of corruption. I will not go into details of the Bill or the catalogue of grievances mentioned on the floor of this House. Both sides have put forward catalogues of grievances against the Corporation. Against the Government also much has been said. This sort of corruption, bribery and all sorts of malpractices have been hurled against the Government. May I enquire, Sir, if that could be a ground on which a Government Department could be absolutely superseded or one department to be added to another or that a Minister should cease to function? These are not grounds on which the power and prestige and civic freedom of any self-governing institution should be taken away. May I appeal to the Hon'ble the Chief Minister to listen to me for a minute as I find him busy reading a newspaper? I appeal to him in all humility that it is he who, as I have mentioned, can by the magic of his influence pour oil over troubled waters. I can tell him, Sir, that he alone possesses the power by which he can absolutely rid the Bill of its ugly features. I would appeal to the Hon'ble Nawab Bahadur as well as to the Hon'ble the Chief Minister to look to this

matter carefully at a time when the passions of millions of our countrymen have been aroused, at a time of international calamity when nations are fighting for the very principle of self-determination, when nations in Europe and other places are fighting unto death for the very principle of self-determination and here we as people elected on the suffrage of the people, by the vote of the people, elected representatives of the whole nation—it is not a matter of fun or joke—that we have come here to take away rights which had been conferred on one of the largest cities within the British Empire, the second city within the British Empire, with a municipality of which we are all proud. If there is corruption, Government has many ways to put a stop to it. Why not appoint an Inspector to look into cases of corruption that are prevalent in the Corporation? Let them also appoint Inspectors for their own departments to find out what is happening there. Let us take the cases even of the courts of justice and see how justice is administered there. It is not a secret to anybody here that the people in the villages are afraid to come to the court, for perhaps they think that by going to the court they won't get proper justice—or that justice is very costly. So, Sir, this is the state of things even in Government departments. Therefore I say, Sir, it is time when the principle of self-determination should be preserved, whereas it seems we have come here to subscribe to a Bill which is not only a retrograde step, but goes even beyond the scope of the Act of 1899, because the citizens of Calcutta after they had enjoyed civic freedom and all the amenities of life for nearly 40 years, are now asked to go back to the year of grace 1899. Therefore, Sir, before I sit down I would again repeat my appeal to the Hon'ble Nawab Bahadur and to the Hon'ble Chief Minister to put their heads together and to see whether they cannot postpone going to the lobby to-day on this issue. Let the Coalition Party sit to-night and consider the matter very seriously whether they cannot see their way to agree to circulate the Bill even for a very short period. Therefore, Sir, I beg to support the motion for circulation moved by Mr. Satyapriya Banerjee.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, before I come to the actual subject under discussion to-night, I should like to make one or two observations about the petulence shown by the honourable member for the Bengal National Chamber of Commerce. Sir, it seems that he finds it difficult to sit in this House as an ordinary member and therefore in order to impress upon us his importance he must tell tales out of school. I had to pull him up once before when he made a similar exhibition on the occasion of the Budget. He then delivered a self-condemnatory speech and to-night we have listened to an interesting exposition of his views, almost a confession of his misdeeds as a Minister. I wonder, Sir, if he will be good enough to

tell the House what he did and what advice he gave to his colleagues in the Cabinet on this very same Amending Bill. (MR. NALINI RANJAN SARKER: Ask them to produce my minutes and you will see.) It will also be interesting to know of his activities and achievements as the Whip of the Swaraj Party in the Corporation. He has said that the members of the Coalition will repeat their Master's Voice. May I tell him, Sir, that that perhaps is not so disgraceful, demeaning and degrading as repeating the Servant's Voice. It is all very well to come and tell us of things which occurred in the Cabinet in which he has taken the fullest part and then like a bad boy to come out of the school and denounce in a way his own misdeeds. Having finished with him, Sir, may I also congratulate the Hon'ble the ex-Deputy Leader of the Opposition for giving us the information that the honourable member for the Bengal National Chamber of Commerce has been taken back into the fold. This is the first time that we have been vouchsafed this information. I would venture to warn him and honourable gentlemen opposite to think twice before they take back such a rebel, because I feel certain that within two months he will rush out and repeat before the public the secrets of their party and their good deeds and misdeeds. Things which we have seen to-day, I repeat once more, are not done. Such behaviour is not the practice of Legislatures and is opposed to the decencies of public life.

It is with some hesitation and after a good deal of deliberation that I have decided to take part in this debate. Silence would, indeed, have been golden but it would not have been honest or manly. I am satisfied, Sir, that in what I am going to say I shall be placing before the House the unanimous opinion of every section of the inhabitants of Calcutta and their keen anxiety to see the municipal affairs of their city run on sound lines to the maximum benefit of the citizens and rate-payers. I shall try, so far as it is possible, to address myself to a few aspects of the problem over which, in my view, there should be, and actually, there is no room for a difference of opinion. We are all agreed that abuses have crept into the administration of the Corporation. We are again agreed that these abuses have been of a progressive character. The Corporation, to the high and low alike, has come to mean "corruption." In saying this, I find myself in distinguished company. I am not saying anything new. I am but repeating what thousands have said before me. The simile of the Augean stable has struck the imagination of the public so forcibly because it represents the true state of affairs. A friend belonging to the Congress school of thought eschewed the stable and declared, "we will have to make it understood that the Corporation is not a *pinjrapole* for the reception of inefficient persons." He added: "We cannot shut our eyes to the fact that to the general public and rate-payers the word Corporation has a different name. The good name of the Corporation for honesty, fairness and justice has fallen off."

Only the other day the Hon'ble Member for the Municipalities of the Presidency Division, while introducing a Bill somewhat on the lines of the English Public Bodies Corrupt Practices Act, of 1889, intended "for the more effectual prevention and punishment of bribery and corruption of and by members, officers and servants of Corporations, Councils, Boards, Commissions and other public bodies," gave a sordid relation of how one Councillor wanted from him five hundred rupees, and how another actually forced him to pay fifty "chips," as he put it, while two Congress Councillors were waiting for him, so to say, in the ante-chamber for a share in the division of the loot! You will have noticed, Sir, that all classes and communities without distinction of race, colour and creed, as the hackneyed phrase goes, were represented in this bunch. May I inform the House, through you, Sir, that things have not much improved since the honourable member honoured the Corporation with the visit he so graphically described?

A well-known authority on local Government problems in England writes:—

"Elected members are notorious for their corruptibility and the work of local government by its very nature offers temptation in a variety of shapes..... If some contractor is to have the privilege of supplying the Corporation with timber, coal or road material, why should it not be the firm in which the Councillors have an interest."

That all is not well in the Corporation is an undoubted fact. There is, however, a conflict of opinion regarding the best means of removing the disgrace which has come to be associated with its name. One section suggests that purification should come from within. This, to my mind, is not possible until the Act itself is amended. The other view is that, in the light of the painful history of the last seventeen years, the remedy will have to be sought from without. The holders of this view believe that the seed of civic progress sown in 1923, was laid in unhealthy soil. Surendra Nath Banerjea, the author of the Act, writing only a year or two after it was passed, bemoans:—

"It is useless to disguise the fact that the operation of the Act has been received with mixed feelings. It has created a sense of anxiety and even alarm among a section of the community..... The public feeling is that the spirit of the new Act is being sacrificed and its beneficent provisions abused to serve the ends of party interests." He goes on, Sir, and prophesies:—

"It is the writing on the wall which those in authority may not, in the intoxication of power, care to read. But it is there, as inexorable in its operation as the great and fundamental physical laws."

These forebodings have come home to roost. How then can purification come from within? It would appear that the machinery of progress was fouled at the very start and we are suffering the consequences to-day. The dire situation into which we have fallen is so distressing that I have on occasions been assailed with the doubt whether autonomous bodies, so amphibious in their nature, which makes them neither fish, nor fowl, nor good red herring, are really suitable to the genius and traditions of my countrymen?

Behind this conflict of views, Sir, there is, however, the fundamental agreement that something has to be done to retrieve the position. Hindus, Muslims and others are at one on this point. Sectional or sectarian ideas in any shape or form are entirely non-existent and are miles away from the minds of the citizens.

Even at the risk of being misunderstood, I am anxious to impress upon honourable members who do not see eye to eye with me that the word "Government" has now lost its old significance and meaning. Despite the shortcomings and limitations of the Government of India Act, of 1935, we have, in Bengal, still an elected Legislature with a Council of Ministers, consisting of Hindus, Muslims and the representatives of the Scheduled Classes. "Government" now means the nation and, therefore, Government action and influence connote and signify the will of the people. Let us avoid a confusion of thought. Let us face realities and make decisions such as will open up new avenues of co-operation and united effort. There may be new formations and new alignments in the coalitions of the future. Such coalitions or even the present one with the added strength of the reasonable section from the Opposition will have to devote serious and earnest attention to the problem of the Corporation. Why then condemn this Bill, because it is the outcome of the efforts of the present coalition? I beg honourable members opposite not to withhold their support to-night and not to rob the Select Committee of the benefit of their advice and guidance.

I am gratified to an extent, Sir, that the Opposition has decided not to throw out the Bill. The amendment that the Bill be circulated for eliciting public opinion admits that this or some other Bill has now become the crying need of the community. I am, consequently, forced to the conclusion that the Hercules, who will turn the waters of our local Alpheus and wash away the filth of seventeen years from the Augean stable in Surendra Nath Banerjea Road, is personified in this Assembly and resides in its collective wisdom.

The representatives of the rate-payers of Calcutta although they differ on certain constitutional aspects of this Amending Bill, are all agreed that the Calcutta Municipal Act, has grown out of date and must be amended to fit in and meet with the growing requirements of the city. The proposed measure, which does not cover the many defects

of the Act, has received their unqualified support on 30 out of its 50 clauses, with minor alterations in a few sub-clauses. The brunt of their opposition is centred only on 5 out of the 50 clauses.

I do not propose, Sir, to enter into the merits and demerits of these for I expect that they will have shed many of their angularities when they emerge from the Select Committee. May I, however, point out, Sir, that autonomy in local bodies or civic freedom, as the honourable member opposite would like to have it, described—I find no difference in the two phrases—does not mean complete independence of the Legislature. The law and juristic principles governing it and universal practice also are clear and unambiguous on the point. Calcutta, under the Act of 1923, seems to enjoy a measure of authority unknown to any other local body in India. I wish these powers could be left undisturbed, but things have now come to such a pass that loyalty to the city and to the Corporation demands that the rot that has set in be stopped at the earliest possible moment and the impeccability of the institution re-established. Opposition on unreal and extraneous issues will not help us. Let us tackle the problem with courage and determination for then alone shall we have rendered valuable and lasting service to this cosmopolitan and international city of ours.

It will, I hope, be agreed that provision must be made to save the executive from the constant attentions of prowling and inquisitive Councillors while at the same time deterrents will have to be invented to check the intrigues, on the part of the executive, to lead such Councillors into temptation. It is this unhealthy interdependence of one section of the institution on the other that has to be broken asunder. Surendra Nath Banerjea, who noticed the danger of this *mesalliance*, says:—

"There is no principle to which the general public and the framers of the Bill attached greater importance than the total separation, of what I may call, the legislative and executive functions in the administration of the Corporation."

The author's dream did not materialise, but what is still more depressing is the fact that the cloak of the Deshbandhu, who was mainly responsible for setting up a new system in Corporation activities, fell on shoulders which could not bear the burden he alone Atlas-like was able to carry.

This strange *contretemps* has put the whole machinery out of gear. I am afraid, Sir, the Bill before us does not meet all the requirements of the case. The whole Act needs thorough overhauling. Whether you take up the question of the improvement of the *bustees*; or the recasting of the building rules which have become antiquated and unsuited to present needs; or the assessment and collection of rates and taxes; or whether you try to find ways and means to increase the income and

decrease expenditure, turn what side you will, you come across difficulties which may be the delight of the legal quibbler but are insurmountable handicaps in the way of the administrator. Work is slow and arrears, both financial and otherwise, are mounting up. With diminishing closing balances and increasing arrears—now between 50 to 60 lakhs—the prospect is indeed baffling. The existence of political groups and parties may be tolerated in municipalities and corporations for there is room for genuine difference of opinion in civics as in politics. But when you find Corporation employees discoursing on lofty theories of human society instead of devoting themselves to their work, you feel lost and bewildered! These ill-digested notions have generated a spirit of indiscipline and insubordination which, with added inefficiency, make work impossible and lead to repeated strikes and dislocation of the whole organisation.

It was my intention, Sir, to approach the Hon'ble the Minister for Local Self-Government and place before him amendments on almost every chapter of the Act, in the light of the difficulties experienced by the administration. I was bold enough to imagine that I would be successful in inducing him to withdraw the present Bill with a view to introduce a more comprehensive one which would eliminate most of the existing deficiencies. But Fates and the Defence of India Act intervened to my discomfiture. I shall, however, look forward, with keen anxiety, to the introduction of a third Amending Bill before the life of the present Assembly has come to an end. Unless immediate and, if necessary, drastic steps are taken the danger is, we shall go from bad to worse. Such a catastrophe must be averted at any cost. Our motto should be "Now or Never." (Loud cheers from the Coalition Benches.)

Mr. W. A. M. WALKER: Mr. Speaker, Sir, my Party have given very careful consideration to the provisions of this important Bill, and also to the criticisms which have been expressed against it.

It has been noticeable that speakers in this debate do not deny that the administration of the Corporation under the Calcutta Municipal Act, 1923, has not been satisfactory. It is a fact too well known to require quotation of instances that the effective working of the Corporation executive has been seriously impaired by interference from individual Councillors, that party and personal considerations instead of considerations of merit have prevailed in questions of appointments and that the maladministration and abuses in certain departments have been nothing short of a public scandal. If instances are required then my friend Mr. Badrudduja has supplied them not only in matters of assessment and in the administration of the Building Department but also in questions of appointments. This being the case, it appears to me, Sir, that it is our duty to take steps to remedy the situation.

Some members have made sweeping allegations that similar abuses prevail in Government administration, but that is not an argument which would justify us in shirking our duty to take steps to put the administration of the Corporation on a sound basis.

It has been argued that this Bill proposes to hand over the powers of the Corporation to Government, that it is a "constitutional outrage" and that the rights of the rate-payers of Calcutta are being taken away. These are arguments which appear to me extravagant and unfounded. What does the Bill attempt to do? In order to remove the Chief Executive Officer from the sphere of influence of individual Councillors it proposes that as in Bombay and Madras he should be a Civil Servant appointed by the Provincial Government. No doubt for very good reasons the Congress provinces of Bombay and Madras have not seen fit——(Interjections by Mr. Abu Hossain Sarkar.)

Mr. SPEAKER: I think, leaders of different groups are entitled to patient hearing, and I would request Mr. Abu Hossain Sarkar to observe this rule.

Mr. W. A. M. WALKER: No doubt for very good reasons the Congress provinces of Bombay and Madras have not seen fit to follow the lead which my friend Mr. Gupta has suggested has been given by Bengal in this matter. The Chief Executive Officer, however, remains the servant of the Corporation. He must carry out the decisions of the Corporation, and he is removable by the Corporation if two-thirds of the Councillors and Aldermen vote for his removal. It is true that the Chief Executive Officer is given power to sanction estimates and make contracts up to Rs. 10,000 subject, I would stress, to an obligation to report such contracts within 15 days. It appears to me only reasonable that the Chief Officer of the Corporation should have this power, and I may add that the Chief Executive Officer of Madras Corporation has a similar power. The Chief Executive Officer is also given certain disciplinary powers over the subordinate staff. It is surely again only reasonable and necessary that he should have these powers.

The Bill, in the second place, provides for the appointment of a Service Commission to select persons to be appointed to posts under the Corporation carrying salaries of over Rs. 50 per mensem. Provided the constitution of the Commission is such as to command confidence, this seems to me to be an eminently desirable proposal. Instead of having to spend so much of their time on questions of appointments, the Corporation will be able to devote a little more time to civic affairs. It will also ensure that appointments are made on the basis of merit, a consideration which is at present too often absent when appointments are made. It is argued that the Commission will

be controlled by Government. I can see no justification for this. Both the constitution and the duties of the Commission are carefully laid down in the Bill. The Commission will consist of a Chairman who must be a Crown servant of not less than 10 years' standing and two members, one a Muhammadan and one a non-Muhammadan. One of the two members must have had not less than 5 years' administrative experience in the Corporation. The communal composition of the Commission might, we think, be made more specific, but this is a point which can be put right in the Select Committee.

In the third place, Government have taken certain additional powers to annul illegal proceedings of committees and to supersede for a specified period a department which is guilty of maladministration. Government have also taken powers in certain events to dissolve the Corporation and order a new election. These powers are based upon similar powers given to the Government under the Bengal Municipal Act, 1932, and we consider that experience has shown the necessity for these powers. They may appear sweeping, but it must be remembered that they are emergency powers which no popular Government could exercise except under overwhelming pressure from public opinion. Does any member seriously think that Government could, for example, exercise its power to supersede a department unless the affairs of that department had become a public scandal which Government could no longer ignore? It is not a popular thing to interfere with a self-governing body and it can only be done if it has public opinion behind it.

These, Sir, are the main provisions of this Bill and they do not, in our opinion, provide any grounds for saying that the rights of the ratepayers are being taken away, or that Government is usurping the powers of the Corporation. It may be that my Congress friends consider that appointments and small contracts form the life blood of the Corporation or, shall I say, of the particular party which happens to dominate it. But I would like to stress that this Bill does not in any way detract from the powers of the Corporation to deal with civic affairs which ought to be its main concern. On the contrary, it will enable the Corporation to give more attention to those matters which are of vital importance to the citizens of Calcutta, to public health, to streets and public places, to buildings, to lighting and scavenging, and to all these things which will make for a better, cleaner and healthier city. All that this Bill will do will be to ensure that the decisions of the Corporation will be carried out by an effective and efficient administration.

Sir, Mr. Marindin has indicated that there are various points which we think should be modified in Select Committee. There is only one point which I would like to stress. We are at a loss to understand why in a Bill which is primarily designed to make certain

necessary reforms in the administration of the Corporation, provisions for the extension of the franchise should have been included. Far from assisting the improvement of the administration these provisions will in our opinion only lead to an increase in electoral abuses. We therefore strongly urge that before proceeding with any alteration of the franchise Government should undertake a thorough examination and revision of the provisions governing elections.

Sir, we have listened with pride and pleasure to the lavish praise which Mr. Santosh Kumar Basu and Mr. Jogesh Chandra Gupta have bestowed on British self-governing institutions. Mr. Gupta has favoured us with a great deal of attention which perhaps might have been better employed in constructive criticism of the Bill. I would remind Mr. Gupta of one thing and that is that in British democratic institutions members of the Opposition do not substitute for reasoned argument demonstrations and refusals to serve on Select Committees. That, Sir, is not in our opinion the way to work democratic institutions. I would also remind Mr. Santosh Kumar Basu that even the Corporation of Glasgow was not built in a day. Mr. Gupta may call us unBritish, but we have at least learnt that British self-governing institutions are the product of long years of trial and error and of sometimes bitter experience. Unless we are prepared to admit mistakes, unless we are prepared to learn from experience, there will be no permanence in our democratic institutions.

We do not seek to stand on that high moral plane which Mr. Gupta has proposed for us. On the contrary, we know that similar problems have confronted British self-governing institutions. What we do wish to do is to face facts and not be the dupes of slogans and catchwords. The facts are that there are cracks in the fine democratic structure of Calcutta Corporation. If we do not repair these cracks, we invite the collapse of the whole structure.

Mr. Goswami in his speech taunted the European Party with following Government slavishly into the Division lobby. That, Sir, is not a fact. My Party has supported and will always support Government where they consider that the legislation brought forward by Government is in the interest of this city and of the province. Mr. Goswami has also referred to the depleted ranks of my party. I should like to tell Mr. Goswami that although we appear to be hale and hearty but for the incidence of sickness, my Party would be here at full strength to support the measure which they consider to be just (Laughter) and in the full interests of this great city.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, it has been my misfortune during the last three years and a half to listen to many irresponsible utterances from the Treasury Benches, but I would say that the Hon'ble the Nawab Bahadur of Dacca, the Minister in charge

of Local Self-Government, has in that respect not only surpassed himself but has surpassed all his colleagues. I am sorry, Sir, due to circumstances beyond my control, it was not possible for me to listen to the speech of the Nawab Bahadur. But I have endeavoured to go carefully through the speech as reported in the papers, and I feel no hesitation in declaring at the outset that in his speech there is not one iota of evidence in support of the wild and reckless charges he has made against the Corporation of Calcutta. Sir, in the Statement of Objects and Reasons which has been circulated under the signature of the Nawab Bahadur, it is said that the political views of the party in power in the Corporation have very largely influenced the day-to-day administration of the Corporation. I wish, Sir, that the political views of the Congress Party had in fact influenced the day-to-day administration of the Corporation to a much larger extent than it has done. The political views of the Congress Party of the Corporation were reflected in the civic programme enunciated and placed before the citizens of Calcutta by the first Mayor of the Corporation, Deshbandhu Chittaranjan Das. Unfortunately we had in the Corporation in the year 1924 and we still have in the Corporation relics of the official days, relics which clog the wheel of progress, relics which interfere with the performance and execution of the civic ideals of the political party in power and that is why we stand where we are to-day.

Sir, I shall examine in a moment the allegations made by the Nawab Bahadur in his speech, but may I dispose of my honourable friend Mr. Hasan Ispahani in a few words? Mr. Hasan Ispahani stepped down from the velvet carpet of Persia and took an excursion to Nova Scotia, Columbia, Australia and New Zealand. I wonder why he did not proceed to Kamchatka and Honolulu! I would like to confine myself to the affairs of my homeland, to the affairs of this city which gave me education, the city in which I live, move and have my being.

Turning to the affairs of this city, we all know that the tongue of calumny first exercised itself in the year 1897 when Sir Alexander Mackenzie brought forward the infamous Municipal Bill. (Rai HARENDRA NATH CHAUDHURI: Despicable Bill!) I have just now said that the tongue of calumny first exercised itself when Sir Alexander Mackenzie—I accept the correction of my honourable friend Rai Harendra Nath Chaudhuri—brought forward the despicable Bill which became the law of the land in 1900. At that time the citizens of Calcutta headed by Surendra Nath Banerjea recorded their protest against the Act and followed it up by resigning from the Calcutta Corporation in a body. He did declare also at that time that he hoped he would live to see the day when his city would be "robed in the mantle of freedom" and he did live to see it. If there is anyone who more than anybody else is entitled to credit for robing this city in the

mantle of freedom it is Surendra Nath Banerjea. The Hon'ble the Minister for Local Self-Government has confessed, he has had to confess, that this Bill is a retrograde measure. Now what has he said in justification of the retrograde measure which he has thought fit to bring before the House? He has said, "I hope the House will agree with me that circumstances have compelled Government to retrace their steps in this matter. Viewed against the background of nepotism, inefficiency and corruption which have characterised the administration of the Corporation during the last few years, our proposals offer the only effective remedy that can be thought of and may on that ground be fully justified."

In his long speech he never furnished one iota of evidence in support of the charges he brought against the Corporation. Apparently he realised later that that was so, and that is why I believe a statement has been distributed this evening furnishing materials justifying the provisions of the Calcutta Municipal (Amendment) Bill, 1940.

Sir, coming to the first item in that statement,—insufficiency of the existing powers of control,—may I ask the Hon'ble the Nawab Bahadur if the Government of Bengal since the year 1924 has attempted, has really attempted, to exercise the powers of control which the Local Government had and have under the present Municipal Act? Look at sections 14, 15, 16, 17, 18 and 19 of the Act. In the statement of the Nawab Bahadur all that he has said is that the Government thought at one time that they would exercise the control given to them, the power of control given to them, under section 14, but the Corporation was too quick for them. That is the summary of the long paragraph which appears against section 14. Now, Sir, may I remind the House in what matter Government thought in their own mind that they might exercise some control? It was in connection with the Corporation's comprehensive scheme for the production and distribution of electrical energy in this city. I am sure the citizens of Calcutta were glad that the Government of Bengal went to sleep on that occasion and that the Corporation was too quick for them. For, who does not know to-day that it is on account of the electrical scheme of the Corporation that the vested interest which goes by the name of the Calcutta Electric Supply Corporation had to reduce its rates for the benefit of the citizens of Calcutta, who does not know to-day that the citizens of Calcutta have been saving because of the Corporation's efforts lakhs and lakhs of rupees every year which would have gone to that monopoly interest known as the Calcutta Electric Supply Corporation? I again repeat, Sir, that the citizens of Calcutta will certainly be glad when they come to know from this statement which, I take it, will reach them, that the Government of Bengal went to sleep on that occasion.

Then, Sir, coming to sections 15 and 16 of the Act is it necessary for me to narrate the activities of Government as printed in this

statement? Sir, a mere perusal of what has been printed here will show the absurdity into which the Government are landing themselves. There is section 17, by virtue of which the Local Government can ask the Corporation if any of the duties imposed by or under the Act have or have not been performed by them. But, Sir, they have not done so during the last 16 years. The Local Government had under section 18 the power to appoint some person to take the action directed by them. The Government of Bengal never exercised that power. And lastly, Sir, under section 19, the Local Government had the power and shall have the power to annul any proceedings of the Corporation which they considered not to be in conformity with the law or rules or by-laws made thereunder. But they have not exercised that power during the last 16 years except on one occasion when certain Councillors of the Corporation drew the attention of the Local Government to a certain state of things there. Is it open to a Government, Sir, I ask, to complain that the existing powers are insufficient when they themselves during the last 16 years have not thought fit to exercise any of those powers? (Cries of "Hear! hear!") I should have thought that if the powers had been exercised in the course of the last 16 years and it was found that there were certain defects in the Act which had to be remedied, that would be some justification on the part of the Government to ask for further powers. But they did not exercise those powers for 16 years and then suddenly at the instance of certain people, may I say, of a certain caucus which wants to get hold of the power or patronage of which they have been deprived because of the patriotism and the public spirit of the representatives of the rate-payers of Calcutta,—the group or caucus which has been moving the Government—they bring forward a measure of this nature.

Then, Sir, I shall come to the instances of nepotism, the alleged nepotism, which is contained in this statement. Sir, ridicule itself would stand ashamed if I were to read out this statement to the House. The first allegation is that in 1931 the party in power in the Corporation—Dr. B. C. Roy's party—appointed Mr. S. Zaman as Deputy Executive Officer, but shortly after the late Mr. J. M. Sen-Gupta came into power and as a result of a requisition meeting the appointment of Mr. Zaman was rescinded and Haji Abdur Rashid Khan was appointed as the Deputy Executive Officer. This is clearly, the Nawab Bahadur declares, an instance of an important appointment being made on party considerations. Sir, the existing powers under the Calcutta Municipal Act of 1923 empower Government to refuse to sanction the appointment of the Chief Executive Officer or any of the Deputy Executive Officers if the Government thought it was an improper appointment. Why did they time and again sanction the appointment of Haji Abdur Rashid Khan as the first Deputy Executive Officer of the Corporation? Then, Sir, coming to certain other matters the Nawab Bahadur in his

extremity thinks it necessary to rely on Mr. Jalaluddin Hashemy on whom he had never relied before. (Ironical laughter from the Congress Benches.) Mr. Jalaluddin Hashemy put a string of questions in the Corporation and the Nawab Bahadur reprints them and says—Here are allegations of nepotism and corruption. But, Sir, what are the allegations? Are the allegations against the body of Councillors and Aldermen or is it the allegation that one particular officer of the Corporation had been influenced by certain persons to make certain appointments which did not find favour with the Corporation? Sir, I need not go very far. I shall just cite an instance from recent history. The political party opposite me have sent their representatives to the Corporation and those representatives have decided, I take it, after mature consideration that it was necessary to invest the body of Councillors and Aldermen who are there with powers to make appointments. Sir, look at that picture and look at this. The representatives of the Muslim League Party in the Corporation have thought it fit to curtail the powers of the Chief Executive Officer in the matter of appointments and to give practically all the powers which had been vested in him by previous Corporations to two Services Committees. Is not that, Sir, a sufficient and most effective reply to any charges of nepotism or favouritism or any other "ism" of which we find so much in the statement which the Nawab Bahadur has circulated? Now, Sir, it is necessary to place before the House certain instances—I do not know whether the Nawab Bahadur and his colleagues would characterise them as instances of nepotism or favouritism or what else—it is necessary for me to place before the House certain instances of nepotism on the part of members of the Treasury Benches. I am doing so in order to show that the power of appointment which the Government seeks to confer upon themselves by this Bill, I mean the power of appointment of the Chief Executive Officer, is a power which the Bengal Legislature ought not to confer on the Government. Sir, I will not detain the House by citing many instances. You remember, Sir, that in August, 1938, a long catalogue of such instances was circulated on the floor of the House to which there was no reply. Instances of nepotism, favouritism and many other "isms" on the part of the members of the Treasury Benches were given there, but up till now there has been no denial. And let me now add a few more. There is a gentleman of the name of Mr. Matloob Murshed, a nephew of one of the Ministers and a brother of one of the officers in the Bengal Secretariat, who has been appointed Superintendent of the Lansdowne Market, superseding other officers including a Muhammadan gentleman by name Mr. Shafi. May I ask at whose instance that appointment was made? There is another gentleman of the name of Mr. Mahboob Murshed, who has been appointed the first Law Assistant of the Calcutta Improvement Trust, a nephew of one of the Ministers and brother of the same officer in the

Bengal Secretariat. May I ask, Sir, at whose instance that appointment has been made? There is another gentleman of the name of Mr. K. M. Azad, again a relative or a connection of one of the Ministers, who has been appointed a Labour Officer on behalf of the Indian Jute Mills Association. (Cries of "Hear! hear!") May I ask at whose instance that appointment has been made? I shall give another instance. One Mr. Syed Azizul Huq, *alias* Manna, a nephew of one of the Ministers, has been appointed an Inspector of the Government Industrial Museum on Rs. 200 a month, with additional allowances. He was formerly a clerk on Rs. 40 per month in the Licence Department of the Calcutta Corporation. May I enquire at whose instance that appointment was made? I could multiply instances and could show that the charges which have been made by the Nawab Bahadur in the course of his speech are charges which could be made much more effectively, and much more truly, against the members of the Treasury Benches. (Cries of "Shame! shame!") And yet we are told that the power of appointment of the Chief Executive Officer, the power to appoint a Statutory Service Commission, should be vested in the Government of Bengal. The Bill makes provision for the appointment of an Indian Civil Service or Bengal Civil Service officer. I have not the time this evening to give you a review of the achievement of Indian Civil Service officers who acted as Chairmen of the Calcutta Corporation. But in one word I can say that their achievement amounts to this. They looked after the portion of Calcutta between Dhurrumtolla Street and Lower Circular Road and neglected the other portions of Calcutta during the thirty years of their régime. But that is not the case with the present Corporation. Let me come to our sister district of Howrah. May I place on record some of the achievements of the Indian Civil Service Chairmen there, the predecessors of my honourable and learned friend Mr. Barada Prosanna Pain? Howrah owed it to an Indian Civil Service officer to have a railway running through its main thoroughfares, through the very heart of the town, within an arm's length of people's dwelling-houses. It was left to Mr. Barada Prosanna Pain to remove that from the heart of the city. Howrah owed it to the official Chairmen to have a trenching ground in the very heart of the city. It was left to my honourable and learned friend Mr. Barada Prosanna Pain, the non-official Chairman, to remove the trenching ground. I could multiply instances from Howrah as well, but I do not propose to do so within the short time at my disposal.

Sir, the interference of members of the Cabinet in the matter of appointments in the Calcutta Corporation, in the Calcutta Improvement Trust and in other bodies over which they have control can only be characterised as nepotism and favouritism of the most shameless character. But, Sir, they have not stopped with influencing appointments in these bodies. My charge is—and that is one of the main

reasons why I and my party will not trust the Government with the powers that are sought to be conferred by this Bill—my charge against them is of interference in the administration of justice. Sir, I speak on published records. It was only last year that there were two cases: one known as Emperor *vs.* Jagadish Narayan Shaw and Harihar Prosad and the other Emperor *vs.* Muhammad Khan, Abdul Majid and Sakhar Khan. The Hon'ble Minister for Labour who is always in labour, always carrying burdens which are not his own, went to the length of writing a letter to the Commissioner of Police of this city addressing him as "My dear Fairweather," asking the Commissioner of Police to remove an Inspector of the name of Atkinson from the Hastings Thana because forsooth there were some charges against three Muhammadans. Sir, Inspector Atkinson in the course of his evidence said: "There was an allegation to the Commissioner of Police which I read, written by the Hon'ble Mr. Suhrawardy, M.L.A., regarding this incident. I state that this case was made over to a Muhammadan Inspector as Muhammadans were concerned. This letter I saw with Inspector Kazi at the Hastings Thana when I made over charge of this case to him." This is evidence given before a court of law. Captain Knox, one of the Honorary Presidency Magistrates of Calcutta, recorded this evidence. (A voice from the Coalition Benches: When?) This was on the 16th November, 1939, and the judgment was given on the 15th March, 1940, acquitting Jagadish Narayan Shaw and Harihar Prosad and convicting the three Muhammadan gentlemen whom I named, in spite of the letter to "My dear Fairweather," in spite of the removal of Inspector Atkinson, and the transfer of Inspector Kazi from one of the districts of Calcutta to Hastings Thana. On these facts, I again say—I can multiply instances—will this House——

The Hon'ble Mr. H. S. SUHRAWARDY: Do you call that interference?

Rai HARENDRA NATH CHAUDHURI: Yes, shameless interference.

Mr. SARAT CHANDRA BOSE: I am glad that Mr. Suhrawardy admits the fact. He does not admit it in a fit of generosity. He has to admit because it is evidence in a court of law. But the evidence does not stop with the evidence of Inspector Atkinson. Inspector Kazi who was sent there to displace Inspector Atkinson also told the same tale. He said, "The letter was written by the Hon'ble Mr. Suhrawardy, M.L.A., Minister of Labour, to the Commissioner of Police, which I read and then I handed the same back to the Deputy Commissioner, South Division.....I took this letter and I returned it after and when I

handed over my report of this case to the Deputy Commissioner, South. This was about three days after. The case was sent up on the 21st August, 1939 to the Deputy Commissioner, South". On the basis of these instances I would ask this Legislature seriously to consider whether they would be right in handing over the power of appointment of the Chief Executive Officer which is now exercised by the Councillors and Aldermen as a body to the person or persons in charge at Writers' Buildings. Having regard to their antecedents, having regard to the instances of nepotism and favouritism which I have given before this House, having regard to the instances of nepotism and favouritism which we on this side of the House gave in August, 1938, I would ask this House seriously to consider whether we would be justified in taking the power of appointment which has got to be exercised by 90 or 95 Councillors sitting together, where each would be a check on the other, and handing it over to a Minister or Ministers in charge at the Bengal Secretariat.

Sir, much has been said about nepotism and favouritism in the matter of appointments. Is it known to the House that during the last 16 years very few apopintments have been made by Councillors and Aldermen? Does the Hon'ble Minister of Local Self-Government know how many appointments altogether have been made by Councillors and Aldermen of the Corporation during the last 16 years? The majortiy of appointments have been made by the Chief Executive Officer—the overwhelming majority—and yet the Government have not thought fit to remove that officer, because charges of nepotism and favouritism were not thought of at that time. Very few appointments, I say without any fear of contradiction, are made by Councillors and Aldermen as a body. But I am prepared to go into every single case of appointment by the Corporation between 1924 and 1940, and I ask the Hon'ble Nawab Bahadur of Dacca to accept the proposal which I am going to make now. My proposal is this. Let a list of all appointments made by the Corporation from the year 1924 up to date be made together with a record of the appointing authority in each case and also a record as to whether those persons are relatives or connections of the Councillors of the Corporation. Let a similar record be compiled of the appointments made by the present Government during the last three years and a half, and let both those records be sent to the Public Services Commission of Government for examination and report. Let that report come before the House. That will be an acid test, Sir. Let the Government who are charging a corporate body with allegations of corruption, nepotism and so on, put their own house in order. If they are serious in their charges, let the Hon'ble Nawab Bahadur get up and say: "I accept the suggestion of the Leader of the Opposition." I pause for a reply. Let the Public Services Commission enquire, make a sifting enquiry into the appointments made

by the Corporation during the last 16 years and at the same time a sifting enquiry into the appointments made by Government during the last three years and a half and let us wait for that report.

Sir, I know of certain instances which it will take time to repeat—how the Public Services Commission have been flouted, systematically and deliberately flouted, by the Government of the day. Whether you consider the appointment of the Deputy Director of Industries and Industrial Engineer or whether you consider the appointment of the Second Superintendent of Sericulture, Bengal, or whether you come to the appointment of a Bacteriologist in the Bengal Tanning Institute or the Assistant Chemist in the same Institute or the Officer-in-charge of the Bengal Industrial Museum, if I were to cite the facts leading to those appointments, they would tell a tale which would make, I expect, even the Ministers on the Treasury Benches blush. (Rai HARENDRA NATH CHAUDHURI: Are they capable of blushing?)

Sir, it has been said by my honourable friend Mr. Siddiqi that it is the unanimous desire of the citizens of Calcutta that a measure of this nature should be brought forward. I do not know how Mr. Siddiqi arrogates to himself the right of saying that it is the unanimous desire of the citizens of Calcutta. Have the citizens of Calcutta been asked to express their opinion on the present measure? But I will take Mr. Siddiqi, a member of the Muslim League, at his word, and I shall ask the Government if they will take a referendum of the citizens of Calcutta on this measure. Sir, the population of Calcutta is very near 15 lakhs to-day, and I shall make this offer that if on a referendum being taken, this measure is approved by the majority of the citizens of Calcutta, we shall not raise one word of opposition to this measure on the floor of the House. Take a referendum if you have got the courage of conviction; take a referendum if you seriously believe in the charges of favouritism and nepotism which you have brought against a body which has no right to be heard on the floor of this House. If you have courage of conviction, take a referendum, put all these clauses before the citizens of Calcutta and let us wait and see what the result will be. I again repeat that I shall withdraw the opposition of my party if it is proved that the citizens of Calcutta—not by an overwhelming majority but even by a narrow majority—support the provisions of this Bill.

Sir, in this statement furnishing materials I have read an allegation that the Corporation has been very remiss in the collection of rates and taxes. The statement says that the total amount outstanding now exceeds Rs. 50 lakhs. Sir, it is no doubt a very considerable figure. But may I ask the Hon'ble Nawab Bahadur to state if it is not a fact that out of this 50 lakhs the Government of Bengal are responsible to the extent of Rs. 12 lakhs. (Cries of "Hear! hear!" from Congress Benches.) I leave aside other bodies for a moment. As regards these

arrears of rates and taxes, are not the Government of Bengal sitting tight on Rs. 12 lakhs which properly belong to the Corporation? Sir, if I had the time I could analyse each single charge brought on the floor of the House against the Corporation and demolish it within a very short time, but unfortunately I have not the time to do so on this occasion.

Sir, I started by saying that the tongue of calumny began to exercise itself in this province in the year 1897. After that Bengal has passed through many critical moments, or shall I say, many critical decades. Political repression has taken its toll since the year 1905, but Bengal still lives. Only the other day, here in this House, we had an instance before us which can only be described as an attempt at cultural repression of Bengal—I mean the Secondary Education Bill. On the top of that we find this attempt at civic repression of this great city. This civic repression is attempted because the Government realize that the greatness of this province depends on the greatness of Calcutta. If Calcutta is crushed, the province is crushed. But as regards this attempt at civic repression I shall live in the faith and in the hope that this attempt at civic repression will be crushed by the combined efforts of the citizens of Calcutta representing all the communities. Sir, I remember on this occasion the memorable words of Surendranath when the Mackenzie Act was enacted. He gave expression to his faith and hope and he lived to realise in his life the faith and hope to which he gave expression. I will not indulge in the language of threat. It is no part of my duty to do so. But I do ask the Hon'ble Nawab Bahadur to consider seriously if his should be the hand which should bring forward what according to his own confession is a most retrograde measure. I would ask him to consider seriously not the events of Nova Scotia, Columbia or New Zealand, but the facts relating to this great city. I would ask him to consider whether it should go down to history that an attempt to robe this city in the mantle of freedom, an attempt which succeeded in the year 1923, was ultimately destroyed by the efforts of the Nawab Bahadur and his colleagues. I would say, Sir, that the present Bill is an attempt to rob the city of its freedom and to put on it the shackles of slavery. We are determined so far as lies in our power to frustrate that attempt and even if we do not succeed in this Legislature, we hope we shall succeed in the not distant future outside the Legislature. (Loud cheers from the Opposition Benches.)

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I would not have cared to take note of the wild fulminations of Mr. Sarat Chandra Bose in his impotent rage against the Bill and the Ministry but for the fact that in course of his speech, he has referred to two appointments about which I wish to place the real facts before the House. One is about

the appointment of a nephew of mine as the Superintendent of the Lansdowne Market. (Cries of "Ha! ha!" from the Congress Benches.) Well, Sir, may I tell the House including the shouters of "Ha! has!" that there are only two graduates among the Market Superintendents in Calcutta—one is a Hindu, the Superintendent of the College Street Market, and the other is my nephew? Now, if you go through the University records, you will find that my nephew has a far more brilliant record than the Hindu Superintendent of the College Street Market. Sir, the vacancy arose on account of the resignation of my friend, Mr. Syed Badrudduja, and the Corporation decided—and I submit, very rightly—that the appointment should go to a Muslim. Sir, of all the candidates that had applied for the post, my nephew had the most outstanding University qualifications, and, Sir, he was appointed. Now, the mere fact that the boy happens to be my nephew ought not to be a disqualification for his appointment. The House may take it that the fact that he is my nephew is a guarantee that he is a billiant young man and that he is not an idiot. (Interruption from Congress Benches.)

Mr. SPEAKER: I think it is only fair that after a certain allegation is made, the Hon'ble Chief Minister ought to be given a hearing as to what he has got to say in the matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, the other appointment in the Calcutta Improvement Trust, be it noted, was not an appointment made by the Bengal Government. Here again two appointments were made—one of a Hindu and the other of my nephew —and I would ask anyone in this House to go through the records of academic qualifications of these two young men and then to judge whether my nephew was not immensely superior to the other Hindu candidate. Now, Sir, these are about the two appointments—— (Mr. SARAT CHANDRA BOSE: Who appointed your nephew?) The Calcutta Improvement Trust.

Now, Sir, on the first day when the debate began, I heard some criticism about my infringement of building rules about certain structures I have put up in Jhowtalla Road. Now, Sir, those who referred to that case forgot that by saying what they had said, they had really given their case away and they had only contributed to the citation of one more instance in which the building authorities have infringed the rules that had been laid down by the Corporation. Sir, I am not on my trial. I may be guilty and for that I may be punished. But the Calcutta Corporation and the Building Committee are on their trial and if the Building Committee has infringed the rules by allowing me to put up unauthorised structures, that is one more instance in which the Building Department has been guilty of violating

the rules. (Mr. SANTOSH KUMAR BASU: 'What does the Mayor say about it?) The Mayor certainly did not like to allow it and so far as he was concerned, he was perfectly right and so far as I was concerned, I was certainly wrong. But the fact remains that the indictment against the Building Committee has got one more addition so far as irregularities are concerned. Similarly, Sir, I heard it said that some members of the Cabinet are in arrears to the Calcutta Corporation. Assuming, Sir, that that is so, then that is one more instance in which the Calcutta Corporation has failed in its duty to the rate-payers.

Now, Sir, I will not say anything in detail in reply to the criticisms that have been made during the last four days. I am not in good health; but for these remarks I would not have spoken at all. But may I point out to my esteemed friend, Mr. Sarat Chandra Bose, the incongruity, the illogicality and the irrelevancy of his arguments when he condemned the present Government and declared roundly that he and his party would not allow this Government to arm itself with powers to appoint the Chief Executive Officer. Now, Sir, what is the position? In Bombay, the Bombay Government has got the power to appoint the Chief Executive Officer. In Madras, the Madras Government has the power to appoint the Chief Executive Officer. There is nothing wrong so far as——(Interruption and loud noice from Congress Benches.)

Mr. SPEAKER: I feel it is impossible to carry on in this House if this method is adopted. I think it is only fair that everyone ought to be given a hearing, and I hope there will be no further disturbance.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, as I was saying, there is nothing wrong if you arm the Bombay Government with powers to appoint the Chief Executive Officer; there is nothing wrong if you allow the Madras Government to appoint the Chief Executive Officer, and why? Because in these Governments, the Hindus are in an overwhelming majority in the Assembly and the Ministry is decidedly a Hindu Ministry. Therefore, they can be given all these wide powers. But directly you come to Bengal where unfortunately the Muslims have not got what they are entitled to, you cannot tolerate the idea of a Muslim Minister being armed with powers to appoint the Chief Executive Officer. We are asked to tolerate Hindu Ministers to exercise that privilege, but you have not got the liberality, the toleration and the sense of justice and propriety to arm the Muslim Minister with the power which you do not hesitate to give to your Hindu Ministers.

Now, Sir, I would not take up any more time of the House. I have heard so much of nepotism and——(Interruption by Dr. NALINAKSHA SANYAL.)

Mr. SPEAKER: Dr. Sanyal, I think, this is too much. The next time you interrupt, I am sorry, I will have to exercise the right that I have got under Rule 16 to have all the powers necessary for the purpose of seeing that there is no further interruption.

Dr. NALINAKSHA SANYAL: On a point of personal explanation, Sir——

(Cries of "Sit down; sit down!" from Coalition Benches.)

Dr. NALINAKSHA SANYAL: Sir, I am rising on a point of personal explanation in accordance with the rules of the Assembly.

Sir, I wanted to mention merely this fact that it would be desirable to have an Anti-Nepotism Society started with the Hon'ble Chief Minister as its Chairman.

Mr. SPEAKER: I ask you to give any more explanation that you may have got as to why under Rule 16 I should not proceed against you immediately. You have been interrupting right from the very beginning, in spite of my repeated requests to the contrary. I have appealed to every front bench, I have appealed to every member of this House, and I once more appeal to you and to other members of the House to note that any further interruption by any member will make him liable to the penalty laid down under the rules.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. Do not assume on yourself the powers in addition to all the burdens under which you are labouring. I hope what has just now been said by you does not rule out the members' right under section 11 to make observations on sufficient reasons connected with the matter then under consideration of the Assembly. Section 11 allows members on sufficient reasons to get up and make observations. That is an inherent right of a member, and I hope your ruling does not take away that right.

Mr. SPEAKER: You have to put those observations through Speaker and not direct to anybody else. Let us not hoodwink ourselves. Let us accept facts. It is no use questioning fact. Do you deny that there have been interruptions? Do you seriously contend that day after day we have not been tolerating incidents which might be called deplorable, and with which if I as the Speaker of the House had ample powers in my hands would have dealt with in only one way. I won't say anything more.

The Hon'ble Mr. A. K. FAZLUL HUQ: I was not in the House when my friend Mr. Nalini Ranjan Sarker delivered his speech. Talking about nepotism and nephews may I remind the House that Mr. Sarker's nephew-in-law was appointed by Mr. Sarker himself when he was a Minister to a gazetted post in the Bengal Government Press to which he would not have otherwise been appointed! It is not the much-maligned Muslim Ministers who can be said to have taken recourse to this task of nepotism. If their nephews have been appointed, these young men have been appointed on their own merits, but when the nephews of the Hindu Ministers are appointed, they are appointed, because they have been nephews-in-law of certain Hindu Ministers. I will not take up much time of the House.

My friend Mr. Sarat Chandra Bose has ended with many a threat, and I know that to-day in this House by persuasion, by threat, and I do not know by what other means, they have been able to collect together almost every Caste Hindu member of this House who, I suppose, will go into the lobby. That does not prove anything. It only proves the communal nature of the agitation against this Bill. I notice in this House an esteemed friend of mine who has been absent for months and months together, but who has also come to-day and is sitting there silently to record his vote. But all your efforts will be of no avail because justice is in our side. (A voice: Communal Award is on your side.)

Mr. ATUL KRISHNA GHOSE: Will you permit us to ask questions through you? I would like to have my submission to you——

The Hon'ble Mr. H. S. SUHRAWARDY: We never interrupted Mr. Sarat Chandra Bose.

Mr. SARAT CHANDRA BOSE: You attempted to do it, but you did not succeed.

Mr. SPEAKER: The rule says, "When for the purpose of explanation during discussion or for any other sufficient reason connected with the matter then under consideration of the Assembly, any member has occasion to ask a question of another member, he shall ask the question through the Speaker." I ask you not to abuse this right. If you do that the House has the right to change the rule, and I will have to suggest that this rule is changed.

The Hon'ble Mr. A. K. FAZLUL HUQ: It has been said that by this Bill the Ministry was strangling the civic rights of the citizens and we have been asked to submit to a referendum. That is true. That is a very good suggestion. (A voice: Accept it.) Mr. Sarat

Chandra Bose knows that the Hindus are so communally-minded that 75 per cent. of the citizens of Calcutta, who are Hindus, will vote against the Bill. But you go to Eastern Bengal districts and take a referendum——(Great uproar.)

Mr. SANTOSH KUMAR BASU: We object, Mr. Speaker. The Chief Minister of this province cannot be allowed to traduce an entire community in the manner in which he has done. (Cries of "Shame! shame!") We are flinging that accusation on his shameless face. (Great uproar.) He must withdraw the charge that he has made.

Mr. SPEAKER: We have had enough demonstration of communal charges and counter-charges. I would appeal to the Chief Minister not to discuss the Bill on a communal plane.

The Hon'ble Mr. A. K. FAZLUL HUQ: Communal issues have been raised, and I was forced to say something. If what I have said has hurt my friends opposite, I withdraw that expression.

I will not take up much time of the House. I should have thought that the best way to render some service to the rate-payers of Calcutta would have been for my friends to serve on the Select Committee and let the Ministers have the benefit of their advice and experience. If they are convinced that Government would pass the Bill on the face of the opposition of the Congress because they enjoy the majority, then the utmost that can be done is to minimise the evils of the situation and to sit round the table and find out the points of agreement and to see how far the Bill can be improved in order to meet the wishes of the majority of the rate-payers of Calcutta. It is not by keeping away from the Select Committee nor by interrupting the Ministers when they speak, nor by hurling charges against them that any good will be done either to the Bill or to the citizens. I once more appeal to them and I have asked the Nawab Bahadur to announce to the House that the work of the Select Committee will not be taken up before the circulation of the Bill has been sufficiently of a longer character to have the opinion on the Bill collected from different sources. It may be two months, it may be three months. As soon as all the opinions are collected, they will be placed before the Select Committee, and it would be within the power of the committee to make any changes that it thinks fit. Government will be open-minded and will welcome the suggestions in order that the Bill should emerge from the Select Committee just in consonance with the wishes of the majority of the people as a whole. I do not wish to say anything more.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, may I appeal through you before I speak to the members of the Opposition that I have for four days listened carefully and silently to the debate and I hope they will give me an opportunity if they are fair-minded to reply to all the questions that have been put to me?

Mr. SANTOSH KUMAR BASU: Well, that depends upon how you do it. Don't ask it from beforehand.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I hope, Sir, I shall not be interrupted. Before answering all the questions that have been put to me let me first say a few words in regard to the remarks made by the Leader of the Opposition. He has challenged me many times in regard to acts of omissions and commissions made by the Ministers in regard to appointments to offices. May I inform him, Sir, that it would have been better for him to move an adjournment of the House or to bring a vote of no-confidence against the Ministry if he had felt that we had not done our duties properly. Let me assure him that if any Minister or members of Government had committed acts of omission and commission the House is there to see that they are kept in their proper place. Unfortunately he has not replied to any of the questions put by Mr. Badruddoja, Mr. Ispahani and others in regard to the Calcutta Corporation. Let me tell him for his benefit that it is not the desire of Government to take the Calcutta Corporation in their hands, but to provide sanctions, and therefore his whole argument is not based on sound reason.

Sir, after four days' debate to which I have listened closely, carefully and attentively, I tried to find out what were the points which the Opposition wanted to make for sending this Bill for circulation for the purpose of eliciting public opinion thereon. I regret that I have failed to find any argument in support of the contention that it is the genuine desire on the part of the Opposition——

Mr. SANTOSH KUMAR BASU: Try to understand our position then.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, yes, I have tried, but could not.

Mr. ABU HOSSAIN SARKAR: No, you do not.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I think I understand the matter better than him and my constituency also understands it better than him. If the Opposition think that they are going to stop me by these interruptions I may say, Sir, that I will

not yield. I have failed to find any argument in support of the contention that it is the genuine desire on the part of the Opposition to be given an opportunity of considering the Bill from the point of view of public opinion. On the other hand, it seems clear to me that it is the intention of the Opposition to put obstacles in the path of the Government thereby ultimately delaying the passage of the Bill for purposes which they know better than myself. I can assure you, Sir, and the House that since the Bill was published in the *Calcutta Gazette* the department has taken every step to send copies of this Bill to most of the public bodies and associations which are interested in the work of the Calcutta Corporation including the Calcutta Corporation itself, the Calcutta Improvement Trust and the Howrah Municipality and all rate-payers' associations of which I have a list here with me, and if it is the desire of the House I can read out the list. Opinions have been received from most of these bodies and associations including the Calcutta Corporation and the Howrah Municipality, and if it is the desire of the House, I am willing to circulate the opinions received by me to the members of the Legislature so that they may be able to consider these opinions before the Bill comes up to the House for final consideration.

Mr. SARAT CHANDRA BOSE: Then why don't you accept the circulation motion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I say, Sir, in a way it has been already circulated. (Voices: Please read out your speech quickly.) So, Sir, it is not right to say that the Bill has not been sent for eliciting public opinion thereon.

The criticisms on the Bill which have emerged in this debate can be classified into three heads, namely, (1) that Government are assuming larger powers of control and thereby crippling the autonomy of the Corporation, (2) that it is proposed to send the Bill to a Select Committee in undue haste without eliciting public opinion, and (3) the sins of omission and commission of the present Ministry.

Sir, one of the main criticisms against this Bill repeated by most of the speakers has been that this Bill is a deliberate attempt on the part of the Government to cripple the Corporation and to bring it under the active dominance of the Government by assuming new and further powers of control. It has been urged in this connection that the powers of control that already exist in the Calcutta Municipal Act are adequate and that there has been no occasion in the past on the part of the Government to exercise any of these powers. Sir, I have tried my best by analysing the existing provisions, namely, sections 16, 17, 18 and 19, to show that these provisions are inconclusive and inadequate and cannot be enforced for lack of effective sanctions. I

must express my surprise, Sir, that some members on the other side who are eminent lawyers should have failed to appreciate this fact. It is correct, Sir, that Government have not during this long period attempted to exercise any of these powers. The reason is twofold. Firstly, it has been and always will be the policy of this Government not to interfere or intervene in the internal administration of the Corporation if it can be avoided. The second reason to which I have already alluded in my speech needs further elucidation. It is not because there have not been outstanding instances in which Government seriously contemplated to exercise these powers of control, but because on a closer examination of the position in consultation with legal experts of Government, it was found on several occasions that although the intention of the Legislature was quite apparent, the drafting of the law was defective in that it left no powers with Government to follow up effectively any action initiated by them in exercise of the powers of control. A few of the bad instances which will support what I have stated have been given in the statement already circulated to the members and these, I am sure, will speak for themselves.

Sir, I may observe that there were several other instances in which Government had to stay their hands when circumstances called for intervention owing to the inherent defects in the provisions for control.

The principal argument put forward, if I am correct, is that Government are out to deprive the Corporation of its autonomous character by assuming new and exorbitant powers of control. As I have already explained, Sir, nothing is farther from the truth. All that has been done is to cure a lacuna in the existing provisions of control and to bring them in line with those existing in other Acts. For instance, section 18 clearly contemplates a mode of supersession of a department of the Corporation in certain specified circumstances. The proposal of Government in this regard is only to make the provision clear and unambiguous so that it can be effectively enforced if and when occasion arises.

Let me now turn to the argument about provision of powers of control to destroy autonomy. As I have already explained, the powers of control are already there. In most of the enactments relating to statutory local bodies there exist provisions vesting Government with residuary powers of control in some shape or other. This is not certainly news to my friends on the other side.

As regards control by the Central Government on local bodies in the United Kingdom, I may be permitted to quote a few words from the Report of the Indian Statutory Commission (paragraph 351, Chapter IV, Part IV, page 310): "As a matter of fact, the present

state of efficiency of local government services and administration in Great Britain has been largely due to an ever-increasing pressure by the departments of the Central Government. By numerous administrative devices, by inspection, by audit, by the giving of grants-in-aid on conditions ensuring efficiency and by an insistence on standards of competence in the municipal staff, the Local Government Board and its successor, the Ministry of Health, have steadily raised the standard of administration in all local authorities. Indeed, the history of local government in Great Britain during the 19th century might be described from one angle as the steady invasion by the Central Government of a sphere formerly left entirely to local authorities. No picture of British local self-government could be more false than that which depicts the local authorities as enjoying the largest possible independence of outside control." I would not tax the patience of the House by quoting at length similar and often larger provisions of control that exist in many other civilised countries of the world. The contention that mere provision of control would cut right across the principle of local self-government is therefore neither reasoned nor correct. I do not think that I need seriously reply to the argument that has been put forward that it is the intention of Government to interfere with the day-to-day administration of the Corporation under the cloak of these powers of control. It may be remembered, Sir, the same cry was raised when in a previous amendment Government provided for powers of surcharge to put a break on possible irregular and illegal expenditure incurred by the Corporation. While the Accountant-General as the local auditor has recommended several cases for surcharge, Government after consideration have had yet no particular occasion to invoke their powers in this regard, but I think that it cannot be denied that the existence of these powers has served a very useful purpose and those honourable friends who are or have been connected with the administration of the Corporation are aware of this.

Sir, the provision for establishment of a Services Commission has been assailed as a measure with the object of securing control by Government of appointment in the Corporation on the ground that the members of the Services Commission will be appointed by Government. This allegation is baseless and those who made it know in their minds that it is an argument of despair. It has been said that the difference between the Services Commission and the Provincial Public Service Commission is that the latter body is appointed by His Excellency the Governor in his discretion and is, therefore, independent of Government. I may inform the House without giving away the secret that it was at first contemplated that the task of selection of candidates for the various appointments in the Corporation might be devolved on the Public Service Commission, but there is a definite statutory bar

against any such arrangement. Similarly, it is not within the competence of the Provincial Legislature to invest His Excellency the Governor with powers to make the appointment of the personnel of the proposed Services Commission in his individual discretion. But I can assure the House that the appointment of the personnel of the Services Commission will be made with the previous consent and approval of His Excellency the Governor.

As regards the necessity of creating an independent body to advise the Corporation on the selection of candidates, there should not be any difference of opinion. It is a matter of very common knowledge that appointments by the Services Committee or by the Chief Executive Officer are made generally not according to merit or qualifications, but according to the influence which a particular candidate might succeed in bringing upon the members of the committee or the Chief Executive Officer.

Sir, as the time is very short and we have had a very lengthy debate, I do not propose to say much more, but before I conclude I wish to answer one or two questions raised in the course of the debate. The Chief Whip of the Congress Party last night made several charges against the head of the administration. One of the charges made was that nepotism was rampant in the Department of Local Self-Government and he mentioned two names in that connection. His imagination was stretched from pole to pole and yet he could not find anything concerning the Coalition Party or the Muslims, but in regard to a Hindu to show that the Ministry of Local Self-Government practised nepotism. A certain gentleman who was related to an employee was an M.Sc., and was appointed by a committee of the Calcutta Corporation as a result of the test examination without any letter of mine. Mr. Gupta tried to make out that the Minister of Local Self-Government had by dubious methods got this gentleman appointed when the Chief Executive Officer's extension was before the Government. The other thing which he mentioned was that Government sanctioned extensions. I repeatedly asked him if the Government sanctioned them. What the late Corporation did was to give extensions galore without rhyme or reason and also more pay to members of their services like the Chief Executive Officer and other officers. He made a statement in this House that the Government had sanctioned all that. I say, Government had not sanctioned it. (Mr. JOGESH CHANDRA GUPTA: Government held up sanctions.) If Government wanted to get jobs out of the Chief Executive Officer, especially after the Corporation by a majority or unanimously recommended his extension, Government could easily have given sanction and the question would not have arisen for the new Corporation to disassociate themselves from the resolution already passed. Again, he stretched his imagination from one pole to the other to try and make the House believe that nepotism

was prevalent in the Government. He instanced the case of Mr. Kishori Lal Mukherjee, who was appointed three years ago. He was an M.Sc., appointed to the post on Rs. 60 a month three years ago —long before I took charge of the Local Self-Government Department. So, the charge made by the Chief Whip of the Congress Party in regard to nepotism was far from correct.

Sir, I have nothing further to add. I only wish to say that I oppose the motion for circulation.

The question that the Calcutta Municipal (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon, was then put and a division taken with the following result:—

AYES—38.

Abdul Hakeem, Mr.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Aslamuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Jatindra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Harendra Nath.
Datta, Mr. Dhirendra Nath.
Datta, Mr. Harendra Nath.
Datta, Mr. Sukumar.
Dutta Gupta, Miss Hira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Prafulla Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lal.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mahtab, Maharajkumar Uday Chand.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Manirruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukerjee, Mr. Tarakeath, M. B. E.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Nem Chandra.
Nausher Ali, Mr. Syed.
Pain, Mr. Baroda Prosanna.
Paul, Sir Hari Sankar.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Puti.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Roy, Kumar Shib Shekhareswar.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarker, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—127.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Ghafar Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdella-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahdur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Akhazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edser, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Dacca).
Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. H.
Hafizuddin Chowdhuri, Maulvi.
Hamiduddin Ahmed, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Morshed, Mrs. M.B.E.
Hatimuddy Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Sahab Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jogat Chandra.
Maniruddin Akhand, Maulvi.
Mariadin, Mr. F. J.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Nukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I.E.
Norton, Mr. H. R.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah-Al-Nadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. H.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Nanda.
Smith, Mr. H. Prabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haj
Walker, Mr. W. A. H.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yeasuf Imam.
Yusuf Ali Choudhury, M
Zaher Ahmed Choudhury, Maulvi.

The Ayes being 88 and the Noes 127, the motion was lost.

Mr. UPENDRANATH EDBAR: Sir, I beg to move that the following name be inserted to the Select Committee before the mover, namely:—

Mr. Rasik Lal Biswas.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I accept it.

Mr. Khwaja SHAHABUDDIN: Sir, I beg to move that in the proposed personnel of the Select Committee for the name Maulvi Abu Hossain Sarkar the following name be substituted, namely:—

Mr. Syed Jalaluddin Hashemy.

Mr. SPEAKER: I shall put to vote the last motion first.

The motion of Mr. Khwaja Shahabuddin that in the proposed personnel of the Select Committee for the name Maulvi Abu Hossain Sarkar the following name be substituted, namely:—

Md. Syed Jalaluddin Hashemy;

was then put and agreed to.

Mr. Speaker was putting the motion of Mr. Upendranath Edbar that the following names be inserted to the Select Committee before the mover, namely,—

(1) Mr. Rasik Lal Biswas,

(2) Dr. Sanaullah, and

(3) Khan Bahadur A. F. M. Abdur Rahman,

when there were cries of "No," "no" from the Congress Benches.

Mr. SPEAKER: Is there any objection?

Mr. JOGESH CHANDRA GUPTA: Yes, Sir. Mr. Edbar moved only the name of Mr. Rasik Lal Biswas. Mr. Rasik Lal Biswas stands by himself. (Laughter.)

Mr. SPEAKER: That he cannot do. At this stage I am afraid I will not permit any change in the motion. I would have been prepared to allow it under ordinary circumstances, but in a Bill of such a controversial character I am sorry I cannot bifurcate a motion. Mr. Edbar should have given notice of a separate motion or at least should have given short notice to me earlier of the proposed change, so that the other two names could have been excluded.

Mr. UPENDRANATH BARUAH: May I submit, Sir, that the other two gentlemen have not given their consent? So I could not move their names.

Mr. FAZLUR RAHMAN (Dacca): If a member has originally given notice of several names, can he not afterwards move only one name?

Mr. SPEAKER: No. I decide that this motion is not in order. I do not want that injustice should be done to anybody, but here I have got no power to make a choice of things. A member has got the right to change his motion, but he must give due notice of it. In this case, without giving any notice whatsoever, the mover wants to exclude the names of Dr. Sanaullah and Khan Bahadur A. F. M. Abdur Rahman and retain the name of Mr. Rasik Lal Biswas only.

Khan Bahadur MOHAMMED ALI: Sir, cannot Dr. Sanaullah withdraw his consent at this stage?

Mr. SPEAKER: I am afraid, you cannot blow hot and cold at the same time. Consent once given—and after the motion has been moved —cannot be withdrawn.

As a matter of fact, I find that members think that a motion is a thing which they can treat in any way they like without giving any information to us. They have no right to do so. After having given notice of a motion, if they want to change or bifurcate it, they must give us due notice of that. I have always been willing up to the last moment to allow the members to do it. In this particular case, up till the motion was moved, I was never aware that he wanted to move only one name and not the others.

The amended motion of the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, that the Calcutta Municipal (Amendment) Bill, 1940, be referred to a Select Committee consisting of:—

(1) Mr. Abdur Rahman Siddiqi,

(2) Mr. K. Nooruddin,

(3) Mr. M. A. H. Ispahani,

(4) Mr. Syed Badrudduja,

(5) Khan Sahib Maulvi Mohammad Solaiman,

(6) Maharajkumar Uday Chand Mahtab,

(7) Mrs. Hasina Murshed, M.B.E.,

(8) Mr. Anukul Chandra Das,

(9) Mr. F. J. Marindin,

(10) Mr. C. W. Miles,

(11) Mr. Syed Jalaluddin Hashemy,

(12) Mr. Hem Chandra Naskar, and,

(13) the mover,

with instructions to submit their report by the 31st January, 1941, the number of members forming the quorum being five, was then put and a division called.

(The ringing of the bell being over.)

Maharajkumar UDAY CHAND MAHTAB: On a point of order, Sir. I sent in a letter to the Hon'ble Minister on Friday last saying that it was not possible for me to serve on the Select Committee. So, I do not know how my name appears on the Select Committee.

Mr. SPEAKER: Was it done after the motion was moved?

Maharajkumar UDAY CHAND MAHTAB: Yes, Sir.

Mr. SPEAKER: Then, I am sorry, I cannot take cognisance of that. I have explained the position that it is only at the stage when a Bill is taken up that it is possible to give notice of a formal motion that certain names are excluded. If there was such a motion at that stage, I could have entertained it, but now it is too late.

The House then divided with the following results:—

AYES—127.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Md.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasohid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Rza Choudhury, Khan Bahadur Maulvi.
Abdul Hashim, Maulvi.
Abdul Hossain Ahmed, Mr.
Abdul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossini, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Anwarul Azim, Khan Bahadur Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Barrather, Mr. F. G.
Chippendale, Mr. J. W.
Das, Mr. Asoukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edber, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, The Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Bogra).

Fazlur Rahman, Mr. (Mymensingh).
Golam Sarwar Hosaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Haywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
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Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
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Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Scotson, Mr. Robert.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
[illegible] Ali Choudhury, Mr.
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Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Basu, Mr. Jatindra Nath.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.

Mahtab, Maharajkumar Uday Chand.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maqbul Hossain, Mr.
Mukerjea, Mr. Taraknath, M. B. E.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Asharfesh.
Naskar, Mr. Hem Chandra.
Palo, Mr. Baroda Prosanna.
Pani, Sir Hari Sankar.
Pramanik, Mr. Tarinicharan.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarker, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Narendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Prametha Ranjan.
Zaman, Mr. A. M. A.

The Ayes being 127 and the Noes 82, the motion was agreed to.

Adjournment.

It being 9-35—

The House was adjourned till 4-45 p.m. on Wednesday, the 11th September, 1940, at the Assembly House, Calcutta.

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